

The Nearing Case



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THE NEARING CASE

The Nearing Case

The Limitation of Academic Freedom at the
University of Pennsylvania by act of
the Board of Trustees
June 14, 1915

A Brief of Facts and Opinions prepared by

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"Not only is eternal vigilance the price of liberty, eternal struggle is the price of liberty."

HON. ELIHU ROOT.

Address to The Union League of Philadelphia, March 23, 1915.

"I assert that this perversion of democracy, this robbing democracy of its virility, can be changed as truly as the system under which Walpole governed the Commons of England by bribery, as truly as the atmosphere which made the *Credit Mobilier* scandal possible in the Congress of the United States has been blown away by the force of public opinion."

HON. ELIHU ROOT.

*Address to the New York State Constitutional Convention,
August 31, 1915.*

"The American university that best catches the spirit of the coming era, that is truly abreast of the truest tendencies of the times, that does the most to promote individuality rather than to standardize it, as is the result of a purely mechanical age, that does the best to apply it to the current affairs of life, and does the best to develop our institutions according to safe and workable channels, that American university is going to be the great university of the future; for the universities standing upon the mountain ranges have always in the past history of the human race, when there have been universities, been the first to catch the dawn of the new era; and, just as Wittenberg, in the beginning of the sixteenth century, first caught the period of extraordinary intellectual fermentation and protest and thus gained so wide and splendid a prestige in Europe, that Shakespeare makes its college, the youngest of all, the university of his favorite prince; so precisely in the race for supremacy that is still to be run, the American college that is most truly American, the one that catches the first breath of the dawn, the one that proceeds along the safest and surest channels, and that best reflects the tendencies of the American people, that will be the college that will have an unquestioned supremacy among American educational institutions."

HON. JAMES M. BECK, '10.

Address at New York Alumni Dinner, March 14, 1914.
(From the *Alumni Register*, April, 1914.)

INTRODUCTION

On June 14, 1915, the board of trustees of the University of Pennsylvania voted not to reappoint Dr. Scott Nearing assistant professor of economics for the academic year 1915-16. Acting under orders of the board, the Provost sent Dr. Nearing this letter:

June 15, 1915.

My dear Mr. Nearing:

As the term of your appointment as assistant professor of economics for 1914-15 is about to expire, I am directed by the trustees of the University of Pennsylvania to inform you that it will not be renewed. With best wishes, I am

Yours sincerely,

EDGAR F. SMITH.

Although this action of the board was technically a refusal to renew an annual appointment, throughout the discussion which followed it was justly treated as a dismissal. The legal right of the board of trustees to dismiss an assistant professor is admitted. The objections offered to the action of the board in the Nearing case have reference to the mode of procedure.

The issues involved are much more complicated than the mere fact of dismissal would seem to indicate. In order to present the more important of these issues, I prepared a series of statements which were published from time to time during the summer months in two Philadelphia newspapers. These I am now republishing together with some arguments on both sides of this discussion, as well as extracts from various sources, including the *Alumni Register*, a periodical under the editorial control of the board of directors of the General Alumni Society. This partial summary of what preceded and followed Dr. Nearing's dismissal constitutes a brief of facts and opinions which I hope will prove a useful guide for those seeking to form a sound and independent judgment, as well as for some future historian who

may come to write this rather confused chapter in the history of the University of Pennsylvania. I see before this and other universities a period of intense struggle for the freedom of research and teaching, and over the right of academic men to serve the public in various capacities. A frank treatment of all the facts, with a consequent understanding of the real issues involved, will bring no lasting discredit on the University of Pennsylvania.

In general the issues arise from a diversity of opinion in the fields of education, religion, and social service. They transcend and should be held above mere personalities. For this reason I have refrained from all discussion of Dr. Nearing's fitness to be an assistant professor at the University of Pennsylvania. The fact that he has been consistently recommended by the head of his department, which recommendation has been supported by the dean and faculty of the Wharton School, I consider creates a presumption of Dr. Nearing's fitness, which can only be offset by a specific statement of facts. Despite the discussion of the last three months, no facts have been disclosed which would warrant action contrary to the deliberate judgment of those who are most familiar with Dr. Nearing's work.

At the University of Pennsylvania during the academic year 1914-15 there were 128 professors, 67 assistant professors, and 365 instructors, including assistants, lecturers, associates, assistant instructors, and readers. The trustees designate the appointment of professors "for an indefinite term," but in the case of all other officers of instruction, unless a term of two or three years is specified, the appointment is for a single year. Thus, Dr. Nearing was promoted from an instructorship to an assistant professorship in June, 1914, but with the notification of his appointment went the copy of a by-law of the board of trustees, reciting among other provisions the following: "At the expiration of the period specified in the terms of the appointment, such appointment shall be regarded as terminated without further notice, unless it shall have been renewed."

While this by-law has been in existence for some years, it was understood until recently that the appointment of an assistant professor was automatically renewed from year to year unless the professors of his particular department advised against his reap-

pointment. Many assistant professors and even some professors did not know until this year of the existence of this by-law.

If the operation of this by-law in the case of Assistant Professor Nearing establishes a precedent, it means that an assistant professor may be recommended in February or March for reappointment by the board of trustees, but that the trustees without further notification to the department, the dean, and the faculty recommending him, may in June decline to reappoint, assigning no reason for their action either to the assistant professor or to the dean and faculty.

The board of trustees evidently intends to employ this procedure with respect to all assistant professors and instructors. For the first time, assistant professors in the College received last August the following notification of reappointment:

DEAR SIR:

It gives me pleasure to inform you that you have been elected to an Assistant Professorship in the University of Pennsylvania for the year 1915-16. Salary at the rate of \$. per annum.

Truly yours,

EDWARD ROBINS,
Secretary.

"Appointments other than those of Professors and Assistant Professors shall be for one year. The appointment of Assistant Professors shall be for a term of from one to three years. At the expiration of the period specified in the terms of the appointment, such appointment shall be regarded as terminated, without further notice, unless it shall have been renewed." *Statutes*, Sec. 27 (b).

As reappointments are acted upon at the June meeting of the board of trustees, and these notifications were received between August 1st and 15th, the assistant professor is thus brought to realize that

(1) His services and salary terminate June 30, 1916.

(2) No assurance can be given him by the professors of his department or by the unanimous vote of the faculty, that he will be retained in the service of the University subsequent to June 30th.

(3) He cannot expect to receive this assurance until some time after the second Monday in June, and the notification may not be received by him until after August 1st.

Under these circumstances, may we not expect one-year appointees to be looking this year for a more secure tenure of office at some other institution? Not only are their present positions and salaries held at the arbitrary pleasure of the board of trustees, but their eligibility to a Carnegie pension is likewise in jeopardy.

It has always been tacitly understood that when the professors of a department and the faculty recommended a man to the board of trustees, the board would not totally disregard such recommendation and fail to reappoint. The heads of departments organize and keep together an efficient staff only with great difficulty, for other institutions are looking for able men. It is safe to say that few assistant professors or instructors are being held at the University of Pennsylvania by salary alone. *Esprit de corps*, loyalty, and the opportunity for research and effective teaching are motives which hold efficient men to the service of the institution. The one-year appointment, renewable at the pleasure of the board of trustees at their June meeting, must cause a serious falling off in the efficiency of the several departments of instruction. In fact, it will be found impossible to conduct an institution like the University of Pennsylvania under this procedure. A city could not run its police department in this manner.

The primary function of a board of trustees would appear to be, not so much to guide the detailed development of a particular department, but rather to make it possible for that department to organize and maintain an efficient staff. The securing of funds for the conduct of the University, and the equitable and expeditious distribution of funds among the several departments, would seem to be the board's part in University administration. No one ought to minimize the devoted labors of certain members

of the board of trustees in the interest of the University of Pennsylvania; but is the administration to be limited to the twenty-four members of the board? What are the members of the faculty expected to contribute to the development of the several departments of the University?

This is the crucial question in the Nearing case, so far as the faculty of the University of Pennsylvania is directly concerned. After Dr. Nearing had been for many years an instructor, the question of his removal became a matter of public concern and discussion in January, 1914. The trustees then denied that any effort was being made to remove Dr. Nearing because of his economic opinions or his public utterances on child labor legislation. In June, 1914, Dr. Nearing was promoted from an instructorship to an assistant professorship. No one has been able to suggest sufficient cause, arising during the academic year 1914-15, which could justify a change of attitude on the part of the board of trustees. Nevertheless, the board of directors of the General Alumni Society exerted their influence with the trustees to effect the removal of Dr. Nearing. Moreover, strong efforts have been made from time to time, and still persist within and without the board of trustees, to remove Dr. William Draper Lewis, professor of law and former dean of the Law School, because of his connection with the campaign of the Progressive Party in this state and throughout the country. An attempt is being made to develop the idea that an officer of instruction at the University of Pennsylvania is an employee of the board of trustees, and that the opinions and utterances of members of the faculty must conform to those of the board. Some trustees give of their substance to the support of the institution. Some are content to control the funds given by others—of recent years chiefly by the state. Whatever the origin of the income of the University may be, have those who control the expenditure the right to determine what every stipendiary shall teach or refrain from teaching?

Freedom of opinion and speech never will be absolutely unlimited, nor on the other hand can it ever be absolutely restricted. The struggle is probably eternal, between those seeking a larger measure of freedom and those demanding greater conformity. The issue is not drawn between the board of trustees

and the faculty of any one university, nor yet between trustees and faculties as opposing social groups in the community. The members of a faculty will differ in opinion, as will the members of a board of trustees. At Princeton Mr. Wilson divided the faculty as well as the board of trustees. It is curious to note that some advocates of the old-fashioned classical course are ranged alongside those who favor sectarian intolerance or who would make university teaching conform to the economic and social views of the *quasi*-owners, the trustees. There is much more than a lightly held opinion that certain representatives of the privileged classes have determined upon a campaign for the control of research and teaching. A liberal curriculum must embrace the modern sciences, which are concerned with live and dangerous issues. An insidious obstacle to progress, therefore, is a too exclusive absorption of teacher and pupil in the thoughts and problems of the dead and innocuous past. The University of Pennsylvania possesses not less but rather more academic freedom than some of our leading institutions. For example, Princeton momentarily appears to be more conspicuously tied to the classics, to religious conformity, and to the power of money than is Harvard, Columbia, or Pennsylvania. At Lafayette, Colorado, Utah, and other institutions, these ultra-conservative forces have provoked much adverse criticism by recent attempts to compel conformity of opinion and teaching. But the history of education shows that no institution can be made to represent for long the opinions of any one man or group of men.

The traditions of the University of Pennsylvania, its present status and its probable future, distinguish it as something more than a local institution. A great non-conformist of his day—I might even say rebel—and one of the greatest intellects this country has ever produced, Benjamin Franklin, was not only its founder, but also proposed a plan for the education of youth in Pennsylvania which some universities have only today advanced far enough to put into practice. Its first provost, Dr. William Smith, formulated an outline of college instruction which is admitted to have contained all that was best in the college curricula offered by the institutions of this country during the succeeding hundred years. Joseph Wharton's deed of gift is

an educational document which will take its rightful place as a landmark in the history of education. It outlined the plan of a school which has proved to be one of the most virile departments of the University, and which has served as a precedent for the organization of similar departments at other institutions. Provost William Pepper, a reincarnation of the progressive spirit and civic enthusiasm of Franklin, aroused the University of Pennsylvania from the intellectual lethargy of more than half a century. He gave to it a *Geist*, a modern soul—his own. Under his successor, Provost Harrison, a member of the board of trustees, the University of Pennsylvania was in the hands of an able and beneficent dictator. Unique responsibility seems often to awaken unique capacity and statesmanship. The present administration—twenty-four trustees acting for the most part in secrecy—is striving “to bring about unanimity of thought and action,” which, taken at its best, means only machine-like efficiency. Any one trustee, acting on his sole responsibility, might be expected to meet a situation like the Nearing case more acceptably than twenty-four acting as a group. In the administration of public education it is recognized that so large a board is an irresponsible and relatively inefficient body, especially if each member tries to act upon his own judgment and knowledge. The University of Pennsylvania is now too large and diverse an organization to be governed in this manner. Either the institution must grow smaller, if everything in it is to have the personal approval of a majority of the board, or the governing power must be centralized in some one individual or a very small group. Despite appearances, I cannot believe that any of the trustees or any group of Philadelphia alumni seriously intend to bring this University down from its present high estate and make it what it was in the early part of the nineteenth century—a small local concern.

The University of Pennsylvania is a continuation of the University of the State of Pennsylvania, founded in 1779, the first state university to be established in this country. In 1791 the University of the State of Pennsylvania and the College and Academy of Philadelphia united under the name of the University of Pennsylvania, with the governor of the state as president of its board of trustees, and a charter requiring that “the trustees

shall annually lay a statement of the funds of the institution before the legislature of the commonwealth." The idea of what a university is, varies with time and circumstance. The great universities of England comprise a number of colleges. If the University of Pennsylvania would unite with State College, the University of Pittsburgh, and perhaps other institutions, to form a single corporate body, the commonwealth of Pennsylvania could build up an educational institution which no privately endowed university could ever hope to rival.

The issue is a great one, worthy of the imagination of Benjamin Franklin, William Smith, and William Pepper. Back of the Nearing case is the problem of financial support and the question of administrative control. The alternatives are on the one hand private contributions and control by private wealth, and on the other, state support and the control of public opinion. The consequence of the one alternative is a local concern of diminished scope and usefulness, and of the other a great state university, worthy to represent in the field of learning, teaching, and public service one of the largest and richest commonwealths in the American Union.

LIGHTNER WITMER.

October 1, 1915.

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THE NEARING CASE

CHAPTER I.

The Action of the Board of Trustees.

1. PROTESTS.

(From the *North American*, 6/18/15.)

Dr. Scott Nearing, one of the most widely known members of the faculty of the Wharton School of Finance of the University of Pennsylvania, has been curtly dismissed from his position as assistant professor of economics by the University board of trustees.

For several years Doctor Nearing's agitation against child labor exploitation and other industrial injustices has earned him the enmity of powerful interests in the financial and industrial world.

He shared this enmity with several other progressive teachers of the University faculty, but two years ago, when the matter of free speech first came to a focus, the board of trustees abandoned all plans of disciplining the progressive professors.

The trustees then insisted that they had no idea of limiting the rights of free expression on the part of the professors. As proof of this, the discrimination which apparently had been exercised against the advanced thinkers among the faculty and the professors who had antagonized corporation influences by their financial research and reform work, was remedied.

The professors against whom discrimination was said to have been employed were advanced to the assistant professorship, to which they were entitled, though some of them were still denied the advance in salary which this ordinarily included.

Doctor Nearing was among the teachers who thus finally gained an assistant professorship.

Strong protests against the action of the trustees were voiced, however, as soon as it became known. Harrison S. Morris, one of the trustees of the estate of Joseph Wharton, who endowed the Wharton School of the University of Pennsylvania with a fund of some \$600,000, was highly indignant over Doctor Nearing's dismissal, and characterized it as an attack on free speech.

In a formal statement prepared by Mr. Morris last night, he said:

"As one of the executors of Joseph Wharton, founder of the Wharton School of the Pennsylvania University, I stand for freedom of speech. Assistant Professor Scott Nearing, of the Wharton School, one of the best loved and best teachers of the University, has been dropped by the stand-patters in the board of directors for expressing views opposite to those held by great trusts and by public service corporations which depend on corrupt politics for their profits.

"Scott Nearing is a noble fellow, who has seen the oppression by intrenched monopoly and has spoken of it. He was the most readily punished of the group of useful young scholars of the Wharton School who have given it universal fame and drawn students from almost every country on the globe, because he was assistant professor and could be dropped without a trial by his peers as a full professor could not.

"His associates have been equally guilty of trying to better social and business conditions, but they are harder to get. They have been of vast use to the present mayor and his directors in showing up the wrongs done the city by corporations whose most powerful directors sit on the board of trustees of the University. They have checked the United Gas Improvement Company in its aggression against the citizens; the Reading Railway was brought to its knees in its excessive freight charges on coal by the service of one of these professors, and the talent and efficiency of the Wharton School have been used wherever possible by the present administration.

"The limitation of the University has been that it has had too little touch with the life and business of the city. These younger men have been bridging the chasm, and for doing so they have been under suspicion, and at last one of their number has fallen as a sacrifice on the city's altar. The Pennsylvania University is not a free agent. It is supported by great sums appropriated by our corrupt legislatures, and it must obey their wishes, which are equivalent to the desires of the great corporations.

"My belief is that all the right-minded citizens of the state would rally to the support of the University if it would free itself from an alliance with Penrose, Vare and McNichol, which controls its judgment in a crisis like the present, when freedom of speech is at stake."

Mr. Morris pointed out also that to oppose and expose corporate, municipal and industrial corruption as Doctor Nearing and his progressive associates have done, is a task directly imposed on the Wharton School faculty by Joseph Wharton's deed of gift. This was pointed out two years ago by Mr. Morris when the progressive professors first were put under fire.

To emphasize the point and keep it constantly before the eyes of the Wharton School faculty, Mr. Morris had several engraved copies of the deed of gift printed, framed and hung in the Wharton School classrooms. The stipulation made in the deed of gift, particularly applicable to the dismissal of Doctor Nearing, is set forth as provision F in the deed of gift as follows:

"The necessity of rigorously punishing by legal penalties and by social exclusion those persons who commit frauds, betray trusts or steal public funds, directly or indirectly. The fatal consequences to a community of any weak toleration of such offenses must be distinctly pointed out and enforced."

The student body and alumni of the Wharton School are already preparing for a protest demonstration. Doctor Nearing is very popular with his students. The action of the trustees, however, could not have been better timed if the intention was to forestall student demonstrations, as the students will scatter during the vacation season.

Comment was also made on the fact that the dismissal of Doctor Nearing was withheld until this time, when other universities and colleges have filled

their faculties. In the ordinary course of events, a college professor is dismissed early in the spring, so that he can seek other connections. Colleges elect their faculties in April.

(From the *Public Ledger*, 6/18/15.)

Dr. Scott Nearing, assistant professor of economics in the Wharton School of Finance and Commerce at the University of Pennsylvania, has lost his position. Views and utterances on economic subjects considered too radical by members of the board of trustees of the University and the faculty, and which several times in the past jeopardized his position, are believed to be the cause of his removal.

The action against the professor was taken by the trustees at their meeting on Monday. Doctor Nearing received notification from Provost Smith yesterday morning. It is understood his appointment expired this spring and the board refused to renew it. Other than stating he had been dropped Doctor Nearing would say nothing.

While members of the board refused to make any comment on the case, it generally is believed the economics professor goes as the result of the long-continued friction some of his views had caused in University circles. Surprise, however, is felt, in that last spring Doctor Nearing was promoted from an instructorship to the assistant professorship, and this year had seemingly had little trouble.

Doctor Schelling, the orator of the day at the commencement exercises, of the University's English Department, expressed great regret at Doctor Nearing's leaving the University.

"It is unfortunate for Doctor Nearing, but more unfortunate for the University," he said.

(From the *North American*, 6/19/15.)

Strong telegrams of protest against the summary dismissal of Dr. Scott Nearing by the trustees of the University of Pennsylvania were sent from this city yesterday to Governor Brumbaugh.

The telegrams urge Governor Brumbaugh not to sign the \$1,000,000 appropriation bill for the University of Pennsylvania until the University trustees have satisfied him that their dismissal of Doctor Nearing is not part payment for senate votes of child labor interests in favor of the University appropriation.

For years Doctor Nearing has lectured and written against child labor exploitation. A newspaper in Bristol, the home town of Joseph R. Grundy, leader of the Pennsylvania child exploiters' fight against Governor Brumbaugh's child labor laws, some time ago took occasion to make a vitriolic attack on both Doctor Nearing and a local minister who permitted Doctor Nearing to lecture against child labor in his church. Grundy's editor denounced Doctor Nearing's church lecture against the greedy exploitation of helpless children as sacrilege, and called on the University trustees to rid themselves of such a dangerous professor.

Grundy's senator, Clarence J. Buckman, became chairman of the senate appropriation committee this year. When the University trustees came before this Grundy committee as applicants for \$1,000,000 of the state funds they are said to have been reminded of the fact that Doctor Nearing had unpleasantly antagonized "influential men" in the state who had much to do with granting or withholding state appropriations.

Every member of the faculty, from Dean McCrea, of the Wharton School, down to the assistant professors, rallied as a man yesterday to Doctor Nearing's support.

The summary dismissal of Doctor Nearing is, indeed, declared now to involve a question of bad faith on the part of the trustees. The dean of each department in the University forwards the full list of his teaching staff to the board of trustees each spring, with recommendations for reappointment. This custom has been in vogue for a number of years, because it enables a teacher who is not reappointed to seek other employment before the end of the school year. Usually the recommendations of the dean of each department are carried out to the letter, as the trustees, of course, are not in personal touch with the teaching staff and have not the opportunity that a dean has to judge the value of a teacher.

Doctor Nearing was recommended by Dean McCrea for reappointment. In the spring, Dean McCrea is said to have received assurance from the trustees that everybody recommended by him would be reappointed.

This assurance was disregarded entirely when Doctor Nearing was dismissed at the end of the school year in violation of all customs.

Another violation of precedents which makes Doctor Nearing's dismissal unusual is the fact that he was personally notified of his dismissal by Provost Smith, and Dean McCrea was absolutely ignored. The custom is to notify the dean when a member of his faculty has been dismissed, and the dean in turn notifies the dismissed teacher.

Dean McCrea, of the Wharton School, yesterday made it clear that Provost Smith's note should not be interpreted as meaning that Doctor Nearing's teaching ability gave any cause for his dismissal. Dean McCrea said:

"Scott Nearing is an efficient teacher, an influence for good in personal relationships with students and colleagues and an able and helpful administrative associate."

Despite the report that other progressive teachers are to be eliminated from the University faculty as summarily as Doctor Nearing, the members of the faculty were not deterred from rallying to Doctor Nearing's support yesterday. Several of the most prominent University professors gave their unstinted praise to Doctor Nearing's work.

Prof. Clyde L. King said:

"There is not a man on university faculties anywhere whose motives are cleaner, whose ideals are higher, both as a teacher and as a student, than Scott Nearing. His personal contact with the students invariably left an impress for good—an impress that was effective throughout all later years. As a teacher he is one of the greatest assets of the University of Pennsylvania,

and has long been so. His loss to the Wharton School would be irreparable."

Dr. Simon Patten, professor of economics in the Wharton School, is quoted as saying:

"In losing Doctor Nearing the University loses one of its most effective men, a man of extraordinary ability, of superlative popularity and a man who, to my mind, exerted the greatest moral force for good in the University.

"He had the largest class in the University—there were 400 in his class—and no one could have done his work better. I taught his course fifteen years, and have superintended it for the last ten, and I know. It is not an easy thing to teach 400 students, and Doctor Nearing did it well. Several men failed before we got him."

Despite these opinions of the faculty, the University trustees refused to make public their ulterior cause for forcing Doctor Nearing out of the University.

(From the *Public Ledger*, 6/19/15.)

The general belief that the "free speech" breach between the trustees and radical members of the faculty is widening, is strengthened by a report that Doctor Nearing is not the only one from the Wharton School who may be dropped. Following are six members of the faculty who are said to be in disfavor with the trustees:

Dr. James T. Young, professor of public administration.

Dr. Carl Kelsey, professor of sociology.

Dr. Ward W. Pierson, attorney, professor of business law.

Dr. Thomas Conway, Jr., professor of finance.

Dr. Clyde L. King, assistant professor of political science.

Dr. J. Russell Smith, professor of industry.

Dr. Young formerly was director of the Wharton School, but was deposed.

In view of the tempest that Doctor Nearing's dismissal has caused, it is said no immediate attempt to remove these men is contemplated. It is understood that those holding the rank of professor can be dismissed only by trial by their peers in the faculty.

"This thing should be investigated until everything is cleared up," said Mr. Morris. "The whole trouble is that the body of men controlling the University controls other public institutions of this city."

Without exception the professors speak of Doctor Nearing as a constructive teacher and as a great asset to the University. Dr. Clyde L. King said: "There is not a man on university faculties anywhere whose motives are cleaner, whose ideals are higher, both as a student and as a teacher. Scott Nearing's personal contact with the students invariably left an impress for good.

"This statement is made with full cognizance of the fact that he had in one class alone more than 400 students every year. Not only here is Professor Nearing known as an effective teacher. Far and wide among the university men of the country he is known as one of the clearest thinkers on current problems in the United States. As a teacher he is one of the greatest assets

of the University of Pennsylvania. His loss to the Wharton School would be irreparable."

Doctor Nearing always was making suggestions and doing things for the betterment of the Wharton School according to Dr. J. Russell Smith. He said:

"I have heard the Governor of this State say with great earnestness that the most important thing about a teacher was his character. In this respect Doctor Nearing is one of the cleanest, fairest, squarest, whitest fellows I know. He is a diligent and effective teacher. His work in reconstructing the Wharton School roster increased the efficiency of the whole school. His students and their problems and the improvement of the Wharton School are always on his mind."

Dr. Bruce D. Mudgett, instructor in insurance and brokerage, said: "I have been associated with Doctor Nearing in graduate work and as member of the faculty for the last six years, and I believe he was one of the ablest teachers on the staff."

Dr. Edward Potts Cheyney, professor of English history, said:

"Doctor Nearing's influence on his students and in the community has been valuable. He is one of the group of vigorous and active teachers who have done much to make the Wharton School what it is.

"But the manner of Doctor Nearing's dismissal raises a larger question than that of his own personality and opinions. There is a widespread, almost universal, sense of resentment among professors of the University. It has been a most disheartening occurrence. The freedom of opinion and its expression that was described by Professor Schelling in his recent commencement address and the comparative security of tenure that is essential to good teaching seem both to have been disregarded in this case.

"Today every assistant professor in the University feels that he may be removed without warning, after it is quite too late to make an academic connection for the next year. Not merely assistant professors, but men of every academic grade at the University feel themselves humiliated by an action that, however legal, is nevertheless derogatory to their positions and destructive to their proper service. Such results cannot fail to bring serious injury upon the University."

Dean Roswell C. McCrea issued the following statement:

"Scott Nearing is an efficient teacher, an influence for good in personal relationships with students and colleagues and an able and helpful administrative associate."

Doctor Nearing still refuses to talk. "The initiative has been taken by the trustees. It is up to them to explain," was all he would say. A report from Harrisburg yesterday was that he might be appointed by Governor Brumbaugh to a State position, perhaps in the Department of Factory Inspection.

(From the *Public Ledger*, 6/21/15.)

That it was incumbent upon the trustees to clear the situation by giving a straightforward explanation of the reasons for retiring Doctor Nearing was

the thought expressed last night by Henry Budd, a widely known attorney and for many years president of the University alumni in this city. Mr. Budd is one of many alumni who have literally bombarded Provost Smith with letters asking the reason for Doctor Nearing's dismissal.

Mr. Budd said:

"As an alumnus of many years' standing, it seems to me that so unusual a proceeding as the virtual dismissal of an instructor without having given the warning which I understand is usual in the spring of the year requires explanation on the part of the trustees. This seems to have been recognized by one of the board, who, according to one of the newspapers, referred inquirers to the provost.

"I wrote a note to Doctor Smith last Saturday asking the reasons for Doctor Nearing's ousting, but have received no answer. This is not to be wondered at. I may have an answer tomorrow.

"Of course, it is not fair to judge the trustees finally until they have given the explanation which they owe not only to the alumni, but also to the general public, from whose funds liberal appropriations have been made to the University.

"But as the dean of the department in which Doctor Nearing has taught speaks in the highest terms of his ability and fidelity, and as Doctor Nearing seems to be supported by his associate instructors, the report that he has suffered because his views on certain economic subjects have not agreed with those of certain gentlemen of the board of trustees is the only explanation before the public.

"It does not appear when or where Doctor Nearing gave expression to his views, or whether, if they were advanced in the course of instruction, they were given as theories or fulminated as articles 'de fide.' If the former be the case, then no fair-minded man can object to students being fully informed of all theories upon any subject within the scope of the instructor's chair.

"If the opinions were expressed outside of the University, where necessarily Doctor Nearing must speak without pretending to speak with the sanction of the University, it would seem to be pretty near tyranny to punish a man as a professor for what he said in a personal capacity.

"The time of the offensive utterances, if there have been any, and if the cause of the trustees' action is to be sought in them, is also of interest, for unless it was very recent the withholding of action until commencement would seem to show a purpose not only to rid the University of Doctor Nearing, but to prevent his obtaining employment elsewhere, at least for a season, a thing which on the surface seems unfair, not to say cruel.

"Of course, however, the trustees may have some excellent reasons for their action, which if they had made known would have forestalled any adverse criticism. But if such reason exists it certainly ought to be given, and promptly, for the responsibilities of the board and its accountability to the community will not permit it to take the position of 'sic volo, sic jubeo' (thus I will, thus I command).

"The whole matter is regrettable and it is of the greatest importance for the sake of the reputation of the University that the truth be known."

A demand upon the trustees of the University of Pennsylvania to give their reasons for dropping Professor Scott Nearing from the faculty of the Wharton School was voiced by the Rev. Dr. Augustus E. Barnett yesterday in an address at the Reformed Episcopal Church of Our Redeemer. If no reason is forthcoming, Doctor Barnett said, people would believe that Dr. Scott Nearing is "a victim of the interests."

"Free speech must be maintained at all costs in America," said Doctor Barnett. "We must refuse to be Russianized. Professor Scott Nearing is one of the latest victims of intolerance. He was one of the brightest ornaments of the University of Pennsylvania. Better had an earthquake destroy its buildings than oust a man for daring to think his own thoughts and who has the courage of his convictions. I speak as the father of two sons who are now in the University and who have been inspired and stimulated wholly by this professor."

"I resent the action of the trustees, and as one of a large number demand the reasons for his retirement. Until they are given, I shall believe that he is a victim of the interests. Men like Mr. Grundy do not like to see public money going to support a man who holds the views Professor Nearing does on child labor and wages. One of the most pernicious effects of rich men like John D. Rockefeller endowing a university is that men like Doctor Nearing are muzzled if they are cowards and are thrown out if they are heroic enough to refuse the muzzle."

"It is the same in the church. Let any one man pay the bills of the church and he thinks he owns a chattel mortgage on the preacher."

(From the *Evening Ledger*, 6/21/15.)

The Baptist Ministers came out today for a hearing for the deposed instructor at their weekly meeting, held this morning in the First Baptist Church, at Seventeenth and Sansom Streets.

After considerable discussion the following resolution was passed, introduced by the Rev. W. Quay Roswell, pastor of the Fifth Baptist Church, Eighteenth and Spring Garden Streets.

"*Resolved*, That we express our regret over the action of the trustees of the University of Pennsylvania in dismissing Dr. Scott Nearing from the faculty of the Wharton School on grounds they have not disclosed to the public. Their silence concerning the reason for his dismissal we believe to be a blow to free speech. Our action in this protest we do not wish to be considered an approval of the doctrines advocated by Professor Nearing or an attempt to pass judgment on his case. But we believe that the public has a right to know the causes that led up to his dismissal."

(From the *Public Ledger*, 6/22/15.)

Measures were devised yesterday by Philadelphia alumni of the University of Pennsylvania to get from its trustees an explanation for the dropping of Dr. Scott Nearing from the faculty of the Wharton School of Finance and Commerce. The movement to unite members of the faculty and grad-

uates in a central working force took shape through the organization of a Committee of Twenty.

Letters were drafted by the committee and were mailed last night to all members of the Board of Trustees, demanding the facts in the Nearing case. At the same time steps were taken to make the Nearing case a national issue by bringing it before the new American Association of University Professors, which was organized a few months ago for the purpose of maintaining academic freedom of speech.

The letter to the trustees from the Committee of Twenty follows:

"We are, as alumni of the University of Pennsylvania, very directly interested in the discussion occasioned by the abrupt termination of the connection of Dr. Scott Nearing with the University. It has been generally assumed that this action on your part has been due to the views on social and economic questions expressed by Doctor Nearing. For two years in the press throughout the United States it has been repeatedly stated that Doctor Nearing would be dismissed because his views differed from those of the trustees. This dismissal has now become a fact, and the press persists in placing it upon these grounds. If unexplained, we believe the public generally will accept these grounds as true ones. In view of the circumstances, and the relation of the University to the public, we deem it of the utmost importance that the trustees state clearly the reasons for their decision, so that the alumni may be able to take such action as seems to them appropriate on undisputed facts.

"The public has come to consider our institutions of learning as centers where current problems can be discussed, and the slightest suggestion of an effort on the part of any group of individuals to use their power over the means of livelihood of professors to influence the expression of this thought affects the confidence of the whole community in the sincerity of opinions voiced by all professors and instructors.

"In order that you may not feel that this is the opinion of only a few alumni, and in order that you may have for your consideration the attitude of a larger number than can now be called together, we are sending a copy of this letter to certain groups of the alumni with the request that they write to you expressing their own opinions thereon."

The letter was signed by Robert J. Sterrett, '10 L.; T. Henry Walnut, '02 C.; Dr. Daniel Longacre, '81 M.; Ferdinand H. Graser, '03 C.; Henry J. Gibbons, '01 C.; S. Gaitland Horan, '13 W.; Edgar D. Faries, '77 C.; O. Charles Broderson, '03 L.; Arthur E. Hutchinson, '09 L.; Albert A. Faught, '03 C. and '06 L.; Henry Beates, '79 M.; Everett H. Brown, '10 C.; C. W. Hitschler, '12 W.; Edward J. Horwarth, '12 W.; Horace Hayday, '11 W.; Horace Teller Fleisher, '06 W.; Cornelius D. Scully, '01 C.; James F. McCoy, '95 C.; A. Mercer Parker, '11 C., and W. Lane Shannon, '11 W.

On behalf of alumni of the Wharton School, R. H. Wallace, Jr., who was president of the Wharton School Association until his graduation last week, made this statement:

"The undergraduates have always been strong friends of Doctor Nearing and have always been firm believers in free speech at the University. At

the last meeting of the Wharton Association a strong resolution was passed upholding Doctor Nearing and freedom of speech at the University.

"I have talked this over with a number of graduates and it seems to be the consensus of opinion that it was unjust to dismiss Doctor Nearing at this time. This is unquestionably the opinion of the Wharton School students. We may not agree with everything he says, but we certainly agree with the principles for which he is fighting. He, more than any other professor in the Wharton School, has taught students how to think."

Benjamin C. Marsh, former president of the Pennsylvania Society to Protect Children from Cruelty and now head of various charitable organizations in New York, has written an open letter to Provost Smith, saying:

"Let me congratulate you upon having dismissed Dr. Scott Nearing from the University of Pennsylvania! It is an unnecessary proof that the University is a kept institution of learning. It proves beyond any possibility of doubt that you do not wish to have discussion in the University, that you do not wish to have your young men think; that the University exists to perpetuate privilege, and that it will not permit any man to express his honest opinion as a professor.

"You have chosen the time well. You probably have secured the appropriation from the State Legislature for the next two years, while if you had had the nerve to do this while the Legislature was in session you probably would not have gotten so much.

"Again let me congratulate you upon the outrageous conduct of the trustees of the University of Pennsylvania, which has done more to forward true progress than Doctor Nearing could have done as a professor. I only hope that the other professors will boycott the University, while we can safely rely upon action by the student body. Are you thinking of substituting the Rev. William A. Sunday for Doctor Nearing?"

(From the *North American*, 6/22/15.)

Prof. Samuel McCune Lindsay, of Columbia, who has been in Philadelphia investigating the dismissal of Professor Nearing, said today:

"When I speak about this case I do so as an alumnus of the University of Pennsylvania and a former professor there. Nearing was the best student in the next to the last class that I taught there, and it was rather a large class, too, in sociology. He was then appointed an instructor and reappointed annually for eight years. Promotion was unquestionably held back from him but at last it came, and last year he was made an associate professor on a one-year contract.

"Last spring the faculty recommended him for re-engagement. His record both as a student and as a teacher was very high. I took pains to look this up, and his record is flawless, and is one of the best of the forty professors and instructors in his department.

"Right here is where I think the whole system at Pennsylvania is wrong. I believe that the trustees should confine themselves to the financial problems of the University and with the acceptance or rejection of such recommenda-

tions on other matters as their faculty or other representatives may make. But the Pennsylvania trustees, of whose intelligence in these matters I have a poor opinion, are not content to let the faculty decide educational matters.

(From the *Public Ledger*, 6/23/15.)

The Wharton School undergraduate committee in the letter calls the dismissal of Nearing an "outrage," and says that for "two years we have been held up to the ridicule of the student bodies of every university of our size and standing in the country because of the reactionary attitude of our board of trustees toward academic freedom."

The letter in full follows:

"Dr. Scott Nearing has been dismissed from the teaching staff of the University of Pennsylvania. For two years we have been held up to the ridicule of the student bodies of every university of our size and standing in the country because of the reactionary attitude of our board of trustees toward academic freedom.

"There is not a student of the Wharton School, past or present, of any shade of political opinion, who believes Doctor Nearing's liberal views and earnest personality do him harm. Men who have disagreed with him on every conceivable subject admit that he at least forced them to think for themselves. But real harm has been done to the University as a result of this recent decision, the responsibility for which rests squarely on the board of trustees.

"We have a right to expect that the board of trustees shall pay less attention to their personal interests and give more heed to their trust. Their action in waiting for the closing of the University before taking this step can only be regarded with suspicion by the students, when they recall how undergraduate organizations have met similar attempts in the past.

"Do you want to give some real help to the University? Write or telegraph at once to the provost and to several of the trustees, giving your opinion of this outrage, and demanding Doctor Nearing's retention. A committee of alumni is now requesting a public inquiry into the facts of the case. If you can send duplicate copies of your letters and the replies received to us, these duplicates are likely to be most valuable in forming conclusions.

"Strong, vigorous action on your part must show the trustees that their action is condemned by the student body."

(From the *North American*, 6/23/15.)

Director Cooke in his statement concerning Doctor Nearing's removal said:

"The dismissal of Dr. Scott Nearing comes as a distinct shock. The trustees of the University probably felt that a summary demand for the resignation of one of their best known teachers, made after the close of the school year, would excite a few days' comment and some bitter criticism and then would be forgotten."

(From the *North American*, 6/25/15.)

Protests against the dismissal of Dr. Scott Nearing by the University of Pennsylvania trustees as an infringement on academic freedom of speech continued to pile up yesterday. Thomas Robins, financier and staunch supporter of the university, took particularly strong exception to the trustees' silent attitude of "the public be damned."

In a letter addressed to Provost Smith, Mr. Robins voiced his protest as follows:

"MY DEAR PROVOST:—You know that I have been and am an ardent supporter of your administration. As provost you have honored me with two appointments, both to boards where the performance of responsible duty has been at once a pleasure and a privilege.

"I therefore write as a friend, a candid friend, to tell you of the mortification I feel at the position in which the trustees have placed themselves before the entire country, as a result of their treatment of Dr. Scott Nearing and of their subsequent action, when questioned as to that treatment.

"Believe me, the 'public be damned' attitude cannot be assumed by any one holding a position of public trust, and especially is that true when those administering that trust have just received state aid to the amount of a million dollars of the people's money.

"As a result of the Nearing dismissal, your board of trustees is placed in the unenviable position of invoking the privilege of the star chamber to cover their motives for discharging a professor whose standard of duty has been high, whose success as an instructor has been great, who has made notable contributions to the literature of his subject, and who has set an example of fearlessness in the discussion of vital social questions.

"They have not hurt Nearing; they have given him an opportunity to learn how high an estimate has been formed of his character and teaching by the public and his associates; but they have injured the university in the eyes of the learned world to an extent that cannot be now estimated and they have served notice on the public that parents who wish their sons to hear in class a free discussion of economic and social questions that they must meet and solve in after life had better send them anywhere but to the University of Pennsylvania.

"Very sincerely your friend,

"THOMAS ROBINS."

(From the *Evening Bulletin*, 6/28/15.)

Declaring that the action of the Board of Trustees was an "outrage, and so un-American in principle as to arouse the indignation of every right thinking citizen," the Central Labor Union yesterday unanimously passed a resolution protesting against the dropping of Scott Nearing as "a violation of the right of free speech and as persecution of an instructor whose only offence is that he served the public faithfully."

The resolution also pledged the Central Labor Union to "stand with the public until the U. of P. has been cleared of the stain brought upon its name by the trustees."

The Rev. Homer J. Vosburgh, of the North Baptist Church, of Camden, in a sermon last night on "The Case of Scott Nearing," condemned the trustees for the way in which they had dropped Mr. Nearing, and for their refusal to state frankly their reasons, and declared that action was a blow to the standing of the University.

Dr. John Dewey, of Columbia University, and president of the American Association of College Professors, has taken sides with Dr. Nearing, and in an open letter condemns the action of Chancellor Day, of Syracuse University, who recently came out with a defence of the action of the U. of P. trustees.

The Survey, a New York magazine of ultra-progressive tendencies, in its latest issue says that the public must infer from the method used and the silence of the trustees that the charge is true that the dropping of Scott Nearing was part of an effort to control the opinions of teachers.

(From the *New York Tribune*, 6/27/15.)

More letters and telegrams protesting against the dropping of Professor Nearing were given out by Mr. Morris today. J. Oseroff, of Pittsburgh, a former pupil of Dr. Nearing, wrote to Provost Smith protesting against Dr. Nearing's removal. He said:

"Dr. Nearing's dismissal, if allowed to stand, will prove conclusively that outside influences persist in determining the educational policy at Pennsylvania. If these influences can beat the professors into submission so that they are afraid to express themselves when they see fit, then the situation is a hopeless one and the university, under the circumstances, can no longer be an influence for good in the community."

(From the *North American*, 7/14/15.)

The Pennsylvania Associated Alumni of Rochester and Vicinity not only differs from the thirty-three self-appointed spokesmen for all the alumni, but have taken formal action to notify the trustees that their position does not meet with the association's approval.

The Rochester association, of which John F. W. Whitebeck is president and Dr. Irving T. Clark, secretary, in formal session approved resolutions condemning the action of the trustees, in limiting the faculties of the University, and demanded that the trustees, who, so far, are hiding the reasons for the dismissal of Professor Nearing under a veil of secrecy, should state their attitude publicly.

Individual members of the association assert that in their belief the resolutions more closely represent the general feeling among all the alumni than the recent defense of the trustees by the thirty-three Philadelphians who oppose Nearing.

The resolutions are as follows:

"WHEREAS, The newspapers of Philadelphia and to a less extent the newspapers of other parts of the United States, have recorded the fact that the trustees of the University of Pennsylvania have refused to renew the

engagement of Scott Nearing as assistant professor of economics in the Wharton School of the University of Pennsylvania; and

"WHEREAS, The newspaper comments have spread the impression that this action is due to disapproval on the part of the trustees of the conclusions of Mr. Nearing, drawn after a study of economic conditions, and incorporated in his teachings in the Wharton School; and

"WHEREAS, This action on the part of the trustees is construed to mean that the trustees of the University of Pennsylvania intend to limit arbitrarily the independence of thought and the freedom of expression of conclusions on the part of recognized experts in the faculties of the University of Pennsylvania; and

"WHEREAS, The trustees of the University of Pennsylvania have seen fit not to express their reasons for this action publicly; now, therefore, be it

Resolved, By the Pennsylvania Associated Alumni of Rochester and Vicinity, that this protest be sent to the trustees of the University of Pennsylvania concerning their action:

"*Resolved*, That it is the opinion of the Pennsylvania Associated Alumni of Rochester and Vicinity that the trustees should recede from their policy of silence in this matter and state publicly their attitude;

"*Resolved* That the Pennsylvania Associated Alumni of Rochester and Vicinity strongly represent to the trustees of the University of Pennsylvania that they disapprove of any action that would lead to the impression that freedom of investigation, freedom of the expression of conclusions and freedom of teaching are limited to the faculties of the University of Pennsylvania by its board of trustees."

2. REAL ISSUE.*

Professor Nearing's appointment as assistant professor was recommended to the provost and board of trustees by the faculty of the Wharton School of the University of Pennsylvania. The board of trustees refused to accept the recommendation of one of its faculties, and declined to reappoint Professor Nearing. In doing this, the board acted clearly within its legal right, but did it exert its legal right wisely and justly in this particular instance?

So far as I know, this action of the board of trustees is the only instance of a refusal to accept the favorable recommendation of a faculty in regard to an appointment. The burden of responsibility for this exceptional action rests entirely upon those members of the board who voted not to appoint Professor Nearing.

Under the circumstances, a clear statement of the reason for this unusual action was to have been expected. The board of trustees, however, assigns no motives for its action. In effect it throws down the gage to the faculty, which recommended Professor Nearing's appointment, and opens a battle here for academic freedom, which has been fought at so many other universities in our own and other times. It is, indeed, the first move made by a board of trustees of the University of Pennsylvania to assert its right to censor the opinions of men whom it has called or may call to membership in one of its faculties. It is not, however, the first move in this direction to be made by individual members of the board.

For the trustees of an institution of learning even to appear to control the opinions of its faculties, is usually the first step toward the deterioration and disintegration of the institution of which they are legally the administrators in trust for the entire community. Their refusal to accept a faculty's recommendation without notice to the faculty must be resented by every self-respecting member of the university faculty.

When they notified Professor Nearing, through the provost, without previous warning, and after the fifteenth day of June, that his services would no longer be required by the institution,

* *The Public Ledger* and the *North American*, 6/20/15.

they did Professor Nearing an injustice which many will consider an attempt at vindictive punishment, because this delayed action prevented Professor Nearing from seeking an acceptable appointment elsewhere.

If assistant professors and instructors are not to be reappointed, even though recommended for appointment by their colleagues, simple justice as well as good business administration requires that they be apprised of the fact not later than February 1st preceding the proposed termination of their services.

I hold no brief for Professor Nearing. I respect his honesty, his courage and his social sympathies; but I do not agree with all of his economic views, nor do I approve some of the methods which he employs in placing his views before the public. Nevertheless, as a member of a faculty, I would consider differences in opinion and method as immaterial, and, if called upon, I should recommend the appointment of men with whom I disagreed even more than with Professor Nearing; and experience leads me to expect that if I waited long enough, I should find in some cases that I had been wrong, and the opinions and methods with which I disagreed were right.

The conflict which this action of the board of trustees has unhappily forced upon the University of Pennsylvania is a part of the universal struggle of democracy against autocracy. An essential feature of the democratic form of government, whether in state or in university, is tolerance of opinion. The distinguishing characteristic of an autocracy is intolerance. Other common characteristics are secrecy, fear of public opinion, unenlightenment and aggressive self-assertion.

I write as an alumnus of the University of Pennsylvania and a citizen of this commonwealth, because I consider it important that the alumni and the public should know that no faculty within the University of Pennsylvania was represented in the recent action of the board of trustees.

Every alumnus should have borne in upon him that this action will most seriously interfere with the development of every department of the University. Professor Nearing's case is not unique. The appointment of every assistant professor is virtually an annual appointment, and this action of the board of trustees is notification that no assistant professor or instructor can be sure

until after the June meeting of the board that his services will be required for the following year.

How is the head of a department to retain the staff of assistant professors and instructors, which he may have put together after much thought, toil, and personal sacrifice? I have never had a good instructor in my own department whom I have not held at times for the University of Pennsylvania against financial inducements offered elsewhere by citing the great opportunity here for independent scientific work or by appealing to his loyalty to the department and to the institution.

At one blow academic freedom and loyalty are struck down, and who can now advise a man in his department, during the spring months, to reject the call of some other institution, when it is known that even the recommendation of an entire faculty availeth not against a few members of the board of trustees?

It must be remembered that the development and present prestige of the University of Pennsylvania are derived from the labors of its faculty members, and not from its board of trustees, distinguished as many of these may be in other than academic or scholarly pursuits. Shall those who have made the University of Pennsylvania what it is be considered incapable of deciding whether a particular assistant professor is a suitable member of the faculty or not?

I must write as I have, albeit with deep regret, because otherwise I could no longer contend, as often I must, against those who claim in public places that professors at the University of Pennsylvania are virtually employees of a few representatives of inherited or acquired wealth in the city of Philadelphia. If this opinion gains ground, no self-respecting scholar will accept an appointment at this University, and even students will hesitate to come to an institution to be taught a brand of knowledge which they believe must receive the imprimatur of a small group of men who will not tolerate differences of opinion.

Moreover, I see and would avoid the effect of this conviction on the people of the state of Pennsylvania and on its representatives in the state legislature, for the University of Pennsylvania derives its warrant as an educational institution through its charter from the commonwealth. Will the citizens of this great state permit its greatest institution of learning to be crippled in

academic resources, in order that a small group of alumni may censor opinions of which they disapprove?

The University of Pennsylvania is now at the parting of the ways. Under the guidance of a few great provosts this institution has been elevated from the academic level of a small local concern to that of a real university of many faculties, with a world-wide reputation. Are some alumni so determined that students of the institution and citizens of this commonwealth shall be denied the enlightenment of new knowledge that they are willing to see this great University, the creation of many devoted and loyal scholars, sink back into the academic insignificance of the first half of the last century?

CHAPTER II.

A New Method of Removing Assistant Professors.

3. THE STAND OF THE BOARD OF TRUSTEES.

(From the *North American*, 6/18/15.)

The trustees who are said to have led the fight against Doctor Nearing are Randal Morgan, of the United Gas Improvement Company; E. T. Stotesbury; J. Levering Jones, corporation attorney; Louis Madeira, of the Newton Coal Company, and George Wharton Pepper, noted lawyer and leading layman of the high church movement in the Protestant Episcopal Church. Doctor Nearing is known to hold liberal religious views.

Two of the trustees, Wharton Barker and J. B. Lippincott, are reported to have stood by Doctor Nearing to the end and to have insisted on being recorded as voting against the demand for Nearing's resignation. None of the trustees, however, would discuss the action last night.

"I cannot talk about the action of the board of trustees, Provost Smith will give out all information that is to be given out," said Louis Madeira. "I don't know whether Provost Smith is in town or not, but I will not discuss the matter one way or another."

"I don't care to discuss the matter or say how I voted," said J. B. Lippincott.

Randal Morgan, at his Chestnut Hill home, declined to be interviewed.

(From the *Public Ledger*, 6/19/15.)

At the meeting last Monday, when Nearing was dropped, there was an informal agreement among the trustees not to discuss the case for publication.

Randal Morgan, first vice-president of the United Gas Improvement Company, is a trustee of the University. He denied that Professor Nearing was dropped because he had shown any hostility to public service corporations.

"That's foolish," said Mr. Morgan.

Mr. Morgan referred all requests for information to Provost Smith.

Provost Smith was not at the University yesterday afternoon, but it was stated there that he would not discuss the case.

"The board of trustees did what it thought its duty. No explanation is necessary at this time, nor will any be forthcoming in future." This was J. Levering Jones' comment on the Nearing affair.

"To make any explanation," said Mr. Jones, "would be absolutely futile. It would not be taken as final and would simply lengthen the controversy. Furthermore, why should we make an explanation of what we chose to do as trustees?"

"It was not a question of dismissal. Doctor Nearing's appointment expired and we thought it best not to renew it. Besides, the University of Pennsylvania is not a public institution. It is only quasi-public. We are answerable only to our own sense of duty and responsibility. No one has the right to question us.

"I don't see any cause for public discussion. Doctor Nearing has said nothing, the trustees are silent, so why drag the matter into the public prints? It is simply a question between the University and Doctor Nearing.

"The University will take care of Doctor Nearing. In its 175 years of existence it has never misused a professor or any executive officer. We are going to be fair with Doctor Nearing."

(From the *Public Ledger*, 6/18/15.)

None of the trustees would comment on the meeting. The remarks of Louis C. Madeira can be used to express the opinions of practically all the trustees. He said he would not talk on the matter from any angle. "There is only one man who has the corporate power to speak, and that is the Provost of the University. I will not say whether there was a meeting on Monday or any other day, nor will I discuss the subject at all."

Provost Smith was not in the city yesterday, and all other members of the board took the same stand as Mr. Madeira. The report of the meeting as it was being discussed on the campus yesterday was to the effect that there was a meeting of trustees on Monday, and that after two hours of argument it had been decided to request Assistant Professor Nearing to vacate his chair, which was created about a year ago.

(From the *North American*, 6/19/15.)

The violations of precedents, the suddenness and unusual circumstances surrounding Doctor Nearing's dismissal, are all matters which the trustees refuse to discuss. The trustees seen yesterday who voted in favor of ousting Doctor Nearing took the position that as trustees they are a law unto themselves and owe the public no explanation of their actions.

Provost Edgar F. Smith, who curtly informed Doctor Nearing about his dismissal without even notifying Dean McCrea, was authorized by the trustees to do all their talking. But Provost Smith refused to talk.

George Wharton Pepper denied that the child labor interests, headed by Grundy, had any influence on the trustees.

"I was as much in favor of child labor legislation and workmen's compensation as Nearing was," insisted Mr. Pepper when told about the protests forwarded to the governor concerning the University appropriation bill. "I advocated that legislation as consistently as he did, though not as efficiently because I did not have his talents."

"It is generally recognized that Doctor Nearing not only antagonized industrial orthodoxy, but orthodoxy in other fields, social and religious," was suggested.

"Well, now, that depends upon what you call orthodoxy," replied Mr. Pepper, who is a national leader in the ultra high church movement in the Protestant Episcopal Church. "But," he continued, "the trustees are agreed that the less talk about this matter the better it will be for the University."

"Doctor Nearing was not dismissed, the trustees simply did not renew his appointment; there is no charge of inefficiency against Doctor Nearing," Mr. Pepper replied, after Dean McCrea's statement was read to him.

"But in the absence of an explanation from the trustees, the public will draw its own conclusions, as was done by those who today addressed the governor on the supposition that Doctor Nearing was dismissed in return for senate votes from child labor interests in favor of the \$1,000,000 University appropriation," said the reporter.

"That's absurd," insisted Mr. Pepper.

"If Doctor Nearing was dismissed for cause, would it not be easy for the trustees to state the cause?"

"That's our best judgment in the matter," Mr. Pepper replied. "If I was dissatisfied with my secretary or anything he had done, some people might be in favor of calling him in here and sit down and talk it over. Others might think it wiser to dismiss him without assigning any cause. It all depends on the circumstances whether or not it would be wiser to state any cause, but in any case I suppose I would be within my rights in terminating his employment."

"But the general public regards the University trustees not in the employer's, but in the secretary's position, and your illustration therefore suggests the question, would you permit your secretary to do as he pleases and refuse to explain?"

"Well, I guess we trustees are in the secretary's position, but there are times when I can well realize that my secretary would not care to explain his action," Mr. Pepper replied.

"But the public which pays for the support of the University is not so fortunately situated as you are; the public cannot dismiss the University trustees," was suggested.

"No, we are a self-perpetuating body, but generally fill vacancies on the indorsement of the alumni," Mr. Pepper answered.

J. Levering Jones, noted corporation lawyer, also refused to reveal his reasons as a University trustee for having voted to dismiss Doctor Nearing.

"When people are charged with a duty to perform and with a trust and they do what they consider right, do they ever explain? Name me one instance," declared Mr. Jones, with much vehemence. "Why should they explain? Answer me that."

"The founders of this nation were charged with a duty and trust and decided that 'a decent regard for the opinion of fellow-men' obliged them to explain their reasons for declaring themselves independent of England," the reporter ventured.

"That was politics; there is no politics in this; none whatever," Mr. Jones declared. "Our action speaks for itself. In the other case it was a matter of taxation without representation. That was the issue."

"But what is the issue here?" was asked.

"We don't feel we owe the public any explanation; what has the public to do with it?" Mr. Jones asked.

"The University is a public institution, is it not?"

"It is not; it is a quasi-public institution," Mr. Jones insisted. "And private men gave \$18,000,000 to the University before the state gave a dollar, don't forget that."

"But the state is appropriating money for the University's support. We think when you go to Harrisburg and ask for \$1,000,000 you recognize the public's right to information there," the interviewer ventured.

"But when we did not get any state money you never heard a word of protest from the University, nobody was asked to explain, the University made no charges, you never heard a word from the University then," Mr. Jones replied. "Now, because somebody thinks a teacher should have been reappointed and he was not, why should we explain? The trustees are charged with the care of the young, the care of the young, mind you, and we have a duty to perform, and we treat everybody fairly, and we will treat Scott Nearing fairly to the end."

"But aside from the appropriations of public funds you enjoy, are the people who send their boys to college not entitled to know what the character, ideals and principles of the college is; if the university is to be an illiberal, intolerant institution, are the parents of students not entitled to know it?" was asked.

"Our action speaks for itself; we have a duty to perform," Mr. Jones insisted. "We don't feel it calls for explanations."

(From the *Evening Bulletin*, 6/19/15.)

"If you think that the trustees of the University dismissed Dr. Nearing without just cause," Mr. Pepper said, "and that they are not sincere in their efforts to serve the best interests of the University, I want to tell you right now that I am perfectly willing to let some one else take my place as a trustee."

4. THE ONE-YEAR APPOINTMENT—A LEGAL SUBTERFUGE.*

A member of the board of trustees is reported to have said, "We (*i. e.* the trustees) are answerable to our own sense of duty and responsibility. No one has the right to question us." The reputation of a great institution of learning and teaching is then to be confided to each trustee's own conscience and judgment, and a trustee's formula for University government is the autocrat's formula, "Myself alone and in the darkest secrecy,"—the principle of that "invisible government" which even Mr. Elihu Root has come to regard as a menace to republican institutions. There is one question, however, which the board of trustees may be made to answer, for this question can be asked in a court of law, ultimately in the Supreme Court of the State of Pennsylvania.

By what right do the trustees of the University of Pennsylvania make appointments which are virtually terminable at their pleasure? It would appear to reside in two paragraphs of Section 27 of the rules and statutes of the board of trustees, which I quote verbatim:

"Section 27 (a). The officers of instruction under the several faculties shall be professors, assistant professors, instructors, assistants and lecturers.

"(b). Appointments other than those of professors and assistant professors shall be for one year. The appointment of assistant professors shall be for a term of from one to three years. At the expiration of the period specified in the terms of the appointment, such appointment shall be regarded as terminated, without further notice, unless it shall have been renewed. The appointment of professors shall be for an indefinite term, unless otherwise specified."

The power of the board of trustees to adopt rules and statutes is derived from the act of September 30, 1791, commonly known as the charter of the University of Pennsylvania. Section 3 of this act provides:

"That the said trustees, and their successors, shall be able

* The *Public Ledger* and the *North American*, 6/24/15.

and capable in law . . . to make rules and statutes not repugnant to the laws and constitution of this state, or of the United States of America. . . .”

I claim that Section 27, paragraph (b) of the rules and statutes of the board of trustees, quoted above, is repugnant to the agreement between the trustees of the University of the state of Pennsylvania and the trustees of the college, academy and charitable school of Philadelphia, which constitutes clauses seven and eight of the preamble to the act of September 30, 1791, *i. e.* the charter of the University of Pennsylvania, from which the present board of trustees derive their authority:

“Seventh—That the professors and officers composing the faculty shall be elected by a majority of the members present at any meeting of the new board, the number present to be at least thirteen; that due and timely notice of such election shall at all times be given, and that no person or persons shall at any time be elected such professor or officer at the same meeting in which he shall be nominated.

“Eighth—That no professor or officer of the faculty shall be removed by a less number than two-thirds of the members present at any meeting of the new board, the members present to be at least thirteen; and that due and timely notice of such intended removal shall at all times be given and that no person or persons shall at any time be removed at the same meeting in which such removal shall be proposed.”

After careful consideration of these two clauses, I claim that the charter of the University of Pennsylvania contemplated no other kind of appointment than appointment for an indefinite term, and provided only one method of dismissal from office, to wit, “that due and timely notice of such intended removal shall at all times be given and that no person or persons shall at any time be removed at the same meeting in which such removal shall be proposed.”

The invention of a one-year contract with persons entitled assistant professors and included among the officers of instruction, such contracts, however, to be terminable without notice on failure of renewal, is apparently a subterfuge, a subvention of the clear intent of the charter, and an invasion of the charter rights of officers of instruction as a class.

Nobody seems to know when these rules and statutes of the board of trustees were adopted or to meet what contingencies. They have been quietly brought forth during the last twenty-five years and have the evident purpose of reducing the security of tenure of an officer of instruction, in order that he may be made subservient to the will of the board of trustees.

The effect of Section 27 of the rules and statutes of the board of trustees is to reduce the tenure of an officer of instruction to the legal status of a day laborer. Now that the question has once been raised in connection with Professor Nearing, it is the manifest duty of all officers of instruction at the University of Pennsylvania to unite in order to maintain what appears to be their legal right under the charter.

The case of Professor Nearing may have to be carried to the Supreme Court of the State of Pennsylvania in order that the meaning and intent of the act of 1791 be judicially interpreted. Meanwhile let all officers of instruction at the University of Pennsylvania and other guardians of the intellectual liberties of the community, unite to have determined by due process of law whether the charter really sanctions an act which makes the relation of a University professor to the trustees the same as that of a day laborer to his employers.

CHAPTER IV.

The Legal Issue Defined.

5. A LEGAL OPINION.

(From the *Philadelphia Record*, 6/26/15.)

John C. Bell, ex-Attorney General of the State and a trustee of the University of Pennsylvania, yesterday issued a statement to refute the attack made by Dr. Lightner Witmer, of the faculty, upon the regularity of the ousting of Dr. Scott Nearing. Mr. Bell declared that the dropping of the assistant professor from his chair in the Wharton School conformed with the charter act of the institution and did not violate the State Constitution. Dr. Witmer, who is a professor of psychology in the college department of the University, has addressed an open letter to the University's officers of instruction, calling upon them to test the legality of decree by which Dr. Nearing was deposed.

"I disagree with the view of Professor Witmer," said Mr. Bell. "He fails to distinguish between a contract of employment which has come to an end and a 'removal' of an officer of the faculty during his term of employment. In the former case the contract has terminated. It is ended, and either party may renew it or not as may be thought best. In the latter case, the charter act contemplates and provides for a 'removal' during the term of employment, and that such 'removal' shall only be for cause and after due and timely notice.

"The section of the 'statutes' or by-laws of the University quoted by Dr. Witmer is entirely consistent with the charter act, and this by-law expressly provides that 'the appointment of assistant professors shall be for a term of from one to three years. At the expiration of the period specified in the terms of the appointment, such appointment shall be regarded as terminated without further notice unless it shall have been renewed.'"

"Dr. Nearing's contract of employment was in accordance with this by-law, of which he was given express notice, and was for a year—the academic year which has just ended. With respect to the Constitution of the State to which Dr. Witmer refers, I do not know what provision he has in mind; but you will recall the provision—applicable in spirit at least to the present situation—that appointed officers other than Judges may be removed at the pleasure of the power by which they shall have been appointed."

(From the *Public Ledger*, 6/27/15.)

John C. Bell, ex-Attorney General of Pennsylvania and a trustee of the University, replied again yesterday to Lightner Witmer. The latter expressed doubt as to the legality of the trustees' action in dropping Doctor

Nearing, and said the case could be carried into court if there was any doubt on the matter. Mr. Bell ridiculed Doctor Witmer's reply and said that he did not wish to enter into a controversy with him. Mr. Bell said:

"Words! words! words! There is no person quite so voluble as a talkative teacher in the long vacation period. I have no desire to continue the game of logomachy with Doctor Witmer. Just say I agree he shall win by default. Really, I gave the brief answer to his lengthy article because of the insistent request of a polite young reporter, who, I realized, was trying to earn his daily bread. I had no thought of convincing Professor Witmer. Of this I was sure when I read his first long letter.

"His reply this morning seals this conviction to a certainty. If he has any real faith in his contention that the charter act of 1791, which expressly provides for the election and 'removal' of officers of instruction by the trustees, prevents the trustees from making a specific contract for a definite term of one year with an assistant professor, and which contract thus comes to an end at the expiration of the year; or that such assistant professor, having accepted such contract of employment with express notice of its duration, has, when such term has ended, any right under the Constitution and laws of this Commonwealth to, nevertheless, insist that the term or tenure of his employment is for life, or as long as he chooses, then let Doctor Witmer test the question in the Supreme Court of Pennsylvania; or, failing there, have the charter act or the Constitution amended as he suggests.

"Any or all of these courses are open to him. Finis."

(From the *Evening Bulletin*, 6/22/15.)

One of the most prominent members of the board of trustees said this morning that the present tempest was no surprise to him or his colleagues and that it didn't and wouldn't influence their stand in the slightest.

"We were made to understand some time ago that if the board acted upon its convictions and failed to reappoint Professor Nearing some such demonstration of the newspapers and among the alumni would result," he said. "This is natural under the circumstances. The present uproar does not surprise us in the least. This is merely one of the cases in which estimates differ. The trustees of the University have the responsibility of deciding what in the long run and on the whole is likely to be to the greatest interests of the institution. They could do nothing conscientiously but act upon their best judgment. This is what they did.

"In relation to Professor Lindsay's imputation that the child labor advocates brought weight to bear upon the trustees because of Professor Nearing's attitude in the matter of child labor I may only say that the statement isn't true. I myself was one of the most consistent supporters of the child labor movement. I contributed to the fund that supported that movement. I can say of my own knowledge that no such influences as Professor Lindsay refers to were ever manifested at any meeting of the Board of Trustees of the University.

"The trustees, in refusing to reappoint Professor Nearing, acted after

long deliberation and in the best interests of the University. They expected a tempest, which probably will prove to be a tempest in a teapot. They have no fear. They will not make any further statement or explanation of their attitude. They will not, so far as I know, call any special meeting. The matter, so far as the trustees are concerned, is a closed incident until the next regular meeting in October."

6. AN ANSWER TO MR. BELL.*

Ex-Attorney-General John C. Bell apparently has failed to see the purport of my claim that the so-called statute or by-law of the University which establishes one-year appointments for officers of instruction is illegal. I intended to distinguish quite as clearly as Mr. Bell does between a contract of employment which has come to an end and the removal of an officer of the faculty during his term of employment.

The one-year contract, I maintained, was an illegal evasion of the provisions of the charter, while the removal of an officer of the faculty is contemplated and provided for by the charter.

Mr. Bell merely meets this assertion of mine with a counter-assertion. I do not contend that I am right and he is wrong. My contention is that the only body competent to determine this issue is the Supreme Court of the State of Pennsylvania. If it should prove impossible to present the case for the faculty before a court of law, by virtue of some legal technicality, perhaps the faculties of the University of Pennsylvania may join in a petition to the next State legislature to revive the old University of the State of Pennsylvania on the ground that the terms of the agreement between the University of the State of Pennsylvania and the College and Academy of Philadelphia which terms are incorporated in the act of 1791, have been violated by the trustees' enactment of the by-law in question.

If the present equipment and endowment of the University are indeed the property of the trustees, to be administered in secrecy as they see fit, let them take their private property and with their own money run a dwindling, sectarian concern, but let others take the state appropriation and such gifts as may have come from the city and conduct an institution of real learning and intellectual freedom.

I must thank Mr. Bell for so ingenuously revealing his attitude as a trustee toward a professor when he tells us that a provision of the Constitution of the State of Pennsylvania,

* The *Public Ledger* and the *North American*, 6/26/15.

applicable to the present situation, affirms that appointive officers other than Judges "may be removed at the pleasure of the power by which they shall have been appointed."

Despite this provision, many state and city employees are now protected from the spoilsman's hand by specific civil service laws. If no law, but only the pleasure of the trustees, determines the tenure of an officer of instruction at the University of Pennsylvania, it is well that scholars at this and other institutions of learning should be apprised of the fact. On the appearance of the provost's letter to Professor Nearing, one of the most distinguished members of the college faculty wrote to the provost that, while loyalty and affection for the University had inspired him in the past to decline more than one attractive call from other institutions, he now felt doubtful about declining similar offers in the future.

I have just received a communication from a professor at another university, an official of the Association of American Professors, which refers to the trustees' action in the case of Professor Nearing as "one of the heaviest blows that has been struck against academic freedom for some time," and which invites me to present a statement of the case to the association for consideration and action.

Do Mr. Bell and his fellow-trustees believe that the University of Pennsylvania can either keep or acquire men of academic probity and scholarship when they learn that they can be removed from office "at the pleasure of the power by which they shall have been appointed?"

CHAPTER IV.

Religious and Educational Conformity.

7. THE TRUSTEES DIFFER IN OPINION.

(From the *Public Ledger*, 6/23/15.)

For the first time since the dropping of Dr. Scott Nearing, a member of the Board of Trustees of the University of Pennsylvania broke silence yesterday and gave his reasons for voting against the retention of the professor. This member of the Board of Trustees was John C. Bell, ex-Attorney General of Pennsylvania.

In his statement explaining his vote against Doctor Nearing Mr. Bell says:

"I do not question for a moment Doctor Nearing's right to entertain and publicly express his views upon social, political and economic questions, though all will concede that even the rights of freedom of speech and of free academic discussion may be abused and should be exercised with a decent regard to the opinions of others.

"I voted against the re-employment of Doctor Nearing. I did so in the discharge of my duty as trustee, because I believed that the good of the service and of the University required me so to do and because of professional utterances in the University, unbecoming a teacher and against the best interests of the institution and its student body. I shall not enter into detail further than to say, as an indicative instance, that an instructor who intemperately declares, as reported to us by his dean, that 'if I had a son, I would rather see him in hell than have him go to the Episcopal Academy'—one of the long-established and best preparatory schools in the city and a fitting school of the University—invites dismissal.

"Doctor Nearing's contract of employment by the University was a yearly one. It terminated at the end of the present academic year. He was then at liberty to renew the contract or go elsewhere, as he chose. The University had a corresponding right. Accordingly, the trustees, in their best judgment and a conscientious discharge of their duty, decided not to re-employ him. As between the parties, therefore, Doctor Nearing's contract of employment has simply come to an end, and a dignified silence upon the subject would ordinarily be the proper attitude of the trustees; hence, when questioned heretofore, I have begged to be excused from discussing the matter or referred the questioner to the provost and Doctor Nearing.

"Recognizing, however, that this silence is being misunderstood by the alumni and the public, as evidenced by the discussion in the newspapers and letters received, I have thought it proper to make this statement regarding the discharge of my duty as trustee."

(From the *North American*, 6/23/15.)

Harrison S. Morris, an executor of the estate of Joseph Wharton, the founder of the Wharton School and a champion of Doctor Nearing, issued a statement last night in reply to Mr. Bell, and particularly to the reference made to the Episcopal Academy. Mr. Morris said:

"I have been informed by Wharton Barker, one of the University trustees, that at the meeting of the board of trustees which dismissed Doctor Nearing, they sent for Dean McCrea and extorted from him the admission that Doctor Nearing had made the statement about the Episcopal Academy to one deficient Episcopal Academy student in Dean McCrea's office.

"Nobody was present except the one deficient Episcopal Academy student and Dean McCrea, and Doctor Nearing's statement to them was a private, not a public, statement; provoked, as I am informed, by the fact that the University received several deficient students from the Episcopal Academy."

(From the *Philadelphia Record*, 6/24/15.)

An attempt to inject a religious feature into the scrap over the dropping of Scott Nearing as an assistant professor at the University of Pennsylvania was disclosed yesterday in a statement given out by Wharton Barker, a University trustee and a one-time independent candidate for President. In his letter Mr. Barker stated that if "the trustees took the action desired by George Wharton Pepper and J. Levering Jones, Jews, Unitarians and other dissenters would be driven from the University."

J. Levering Jones, after being acquainted with Mr. Barker's statement, declared that Mr. Barker's utterances on any topic were interesting, and that the Board of Trustees was continuing to do the best it could for the State and University. Mr. Pepper, however, issued a statement declaring himself completely mystified by the statement of Mr. Barker.

"I believe that Mr. Barker must have written the statement under a serious misapprehension," said he. "Never during my service on the board has any proposition been made which could have been construed as offensive to Jews, Unitarians or any other religious body. The only proposition with a religious aspect with which Mr. Jones and I were identified was a proposal to invite a certain distinguished scholar, George Adam Smith, of Aberdeen, to deliver a course of lectures on the Old Testament revelations of God. The proposal was thus limited to the Old Testament for the very reason that it was my desire to avoid the complication suggested by Mr. Barker. The proposal had no relation whatever to the Nearing case. As to Dr. Nearing, neither I nor any member of the board has made any proposal at any time respecting his utterances on economic subjects which could by any possibility be construed as foreshadowing an attempt to restrain religious liberty."

The statement issued by Mr. Barker was a copy of a letter which he sent yesterday to Bolton Hall, of New York, in reply to a request for his position on the Nearing case. Incorporated in the letter to Mr. Hall was a copy of a letter which Mr. Barker had sent to Provost Smith on April 5th. The quoted communication to the Provost is as follows:

The letters, four, I think, you placed before the Board of Trustees of the University of Pennsylvania appear to be charges of economic heterodoxy rather than of ecclesiastical heterodoxy. I attach to this letter a slip that covers an open letter addressed by Scott Nearing, who was attacked by the writers of the letters referred to, which breathes from end to end the spirit of Him who preached the Sermon on the Mount, which letter I want you to read.

If the action George Wharton Pepper and J. Levering Jones would have the trustees of the University of Pennsylvania take, should be taken—action I cannot believe possible—Jews, Unitarians and other dissenters would be driven from the University of Pennsylvania, students and professors, associate professors and instructors would be driven.

Is it possible that such men as Joseph Leidy, Thomas H. Huxley, John Tyndall, William H. Furness, Horace Howard Furness, Henry C. Lea and hosts of other men as earnest, but not as well known, should have a ban put upon them by the University of Pennsylvania?

I hope the action taken by the Board of Trustees about a year since, when the statement of Effingham B. Morris as to the position of the University of Pennsylvania trustees for free speech and religious liberty, may stand without modification as the declared position of the University of Pennsylvania.

Thomas H. Huxley, upon his installation as rector of Aberdeen University in 1874, said: "Universities should be places in which thought is free from all fetters, and in which all sources of knowledge, and all aids of learning, should be accessible to all-comers, without distinction of creed or country, riches or poverty.

Can anyone who believes in free speech and religious liberty take other position than that taken by Huxley?

The attacks upon Nearing are made, not because of his views upon religion, but because he attacks the aggressions of associated capital; attacks made because associated capital knows that its aggression upon economic rights of the people is nefarious and cannot stand against adequate presentation of the demands of the people and of the aggressions of associated capital.

(From the *Public Ledger*, 6/26/15.)

A vigorous demand on George Wharton Pepper that he lead a movement to restore and assure "free speech" at the University of Pennsylvania has been made by Harrison S. Morris, the champion of Professor Scott Nearing. The demand was made in the course of a spirited correspondence on the subject of free speech between Mr. Morris and Mr. Pepper, made public yesterday by Mr. Morris. Mr. Pepper is a member of the Board of Trustees of the University who voted against the retention of Professor Nearing.

The correspondence shows that George Wharton Pepper opened it by writing to Mr. Morris, stating that a number of communications were coming to him regarding the Nearing matter and asking, "Is there any way in which I can be of service to you?"

Mr. Morris at once replied, urging that Mr. Pepper immediately place himself at the head of a movement to obtain "free speech" and promising him the support of the power and moral influence of an overwhelming public sentiment. Mr. Pepper replied to this letter, and in his next answer Mr. Morris intimated that the restoration of Scott Nearing was a necessary concomitant to any such campaign for free speech.

The publication of the correspondence was considered highly significant by the friends of Doctor Nearing. The letters of George Wharton Pepper were the first instance of any trustee discussing the rights of free speech without solicitation.

Provost Smith returned to the University of Pennsylvania after his trip West, but refused to discuss the case.

Effingham B. Morris, a trustee of the University and president of the Girard Trust Company, while refusing to discuss the causes that led the board to drop Professor Nearing, insisted that the statement issued a year ago in favor of free speech at the University still stood unimpaired as the expression of the board.

In regard to the correspondence between George Wharton Pepper and Harrison S. Morris, Mr. Pepper said yesterday that he did not know it was to be given out for publication. He said the last letter had been received from Mr. Morris yesterday afternoon and that he had no comment to make on it.

The first letter in the correspondence, which was from Mr. Pepper, was dated June 21st and read as follows:

"DEAR MR. MORRIS:

"I am receiving communications in regard to the Nearing matter from students and other persons who say they are communicating with me at your request. Will you let me know what your thought is in pursuing this course, and tell me whether there is any way in which I can be of service to you?

"Very truly yours,

"G. W. PEPPER."

On June 24th Mr. Morris replied:

"MY DEAR MR. PEPPER:

"Your letter of June 21st is received.

"You are good enough to ask if there is any way in which you can be of service to me, and I am going to reply in a like spirit of helpfulness.

"You can best be of service to me and to the University of Pennsylvania by placing yourself immediately at the head of a movement to restore and to assure free speech at the University; and, if you will do this service for American ideals, I and my friends will place back of you the power and moral influence of an overwhelming public sentiment.

"I can conceive of no nobler service for humanity than leadership in the cause of man's right to free speech, which, as you have now doubtless realized, only becomes dangerous when it is denied utterance.

"You have a glorious opportunity and I hope you will quickly seize it as a duty of your trusteeship."

Mr. Pepper's reply was dated June 24th. He wrote:

"DEAR MR. MORRIS—I thank you for yours of June 24th.

"There are a good many reasons why I am not fitted to place myself at the head of any movement. I am glad, however, to make my contribution to any cause which seems to me to be worthy. As to 'a movement to restore and to secure free speech at the University,' I think that, before we could enlist as fellow soldiers in such a cause, we should have to agree in our definition of terms. If by free speech is meant the unrestricted right of a teacher to adopt any method he pleases for the propagation of any view he happens to hold, then I could not bring myself to advocate such license either at the University or anywhere else. Conceivably a man might feel himself justified in advocating a disregard of moral principles regarded by the rest of us as fundamental. If, on the other hand, free speech means the right to proclaim views not discordant with the ethical sense of the community and so proclaimed as to evidence due consideration for the sensibilities of those holding different views, I shall be happy to enlist in a campaign for free speech at the University or anywhere else whenever the right appears to me to be in jeopardy.

"Very truly yours,

"G. W. PEPPER."

To this Mr. Morris replied yesterday (June 25th) as follows:

"DEAR MR. PEPPER—Your letter of June 24th is at hand.

"My definition of free speech is that it is the utterance of a person of known high character who speaks neither treason nor obscenity.

"In further answer to your first letter I should like to say that you can be of service to me and to the University by telling me frankly the reason for the notice given Dr. Scott Nearing. If any utterance of his has offended against the definition given above of free speech, or even of the definition you give, then I could better understand the action of the members of the Board of Trustees who voted against him.

"If, on the other hand, the selfishness of entrenched monopoly or of religious bigotry have begotten his dismissal, I should expect you to denounce those un-American motives, and, as you say, 'enlist in a campaign for free speech at the University, or anywhere else, whenever the right appears to be in jeopardy.'

"Such a campaign can have one object only: the righting of the wrong that has been done; the acknowledgment that public sentiment requires you to replace the man who now typifies that power.

"Yours truly,

"HARRISON S. MORRIS."

(From the *North American*, 6/24/15.)

In connection with the religious issue brought out by Wharton Barker as having a bearing on the University trustees' position toward academic freedom, it is pointed out that absolute religious tolerance and liberty was

guaranteed by the first deed of trust executed for the establishment of the University.

This first deed of trust conveyed the first University grounds, on Fourth Street north of Market, to a board of trustees on September 15, 1740, with instructions to these trustees to appoint instructors "without any regard to those distinctions of different sentiments in lesser matters which have to the scandal of religion, unhappily divided real Christians."

Despite these guarantees of a non-denominational and religiously tolerant institution, the University fell under strong tory influences in its early years, and in the amended charter of 1791, Benjamin Franklin is credited with having made the principle of religious toleration still more binding.

(From the *Alumni Register*, February, 1914.)

A news item in the department "The University," discussing "Free Speech at Pennsylvania," is as follows:

"Considerable excitement has occurred at the University and in public print recently over published statements in the newspapers that means were being used to direct Instructors Nearing and King in the Wharton School. George Wharton Pepper, '87, a trustee and a popular alumnus, is quoted in the *Evening Bulletin* as saying: 'Speaking offhand it looks to me as though the whole regrettable agitation is one between the student body at the Wharton School and the instructors there. So far as I know, the trustees of the University have had no part in it and will have no part in it. The questions now discussed so generally in the newspapers were never submitted to the board, and were never brought up for discussion. The right of any man to speak his mind has never been questioned or even talked of at any board meeting that I ever attended, except one. That was when Professor O'Bolger was under fire. Dr. Nearing or Dr. King have never come up for such criticism, and their names were never even mentioned at any meeting in my memory. I didn't know there was such a man as Professor King at the Wharton School until I read it in the papers. I feel absolutely safe in saying that the antagonism under which the two men believe they have suffered is a matter of their imagination or of their friends' imaginations. If there was a formulated antagonism or a policy such as is hinted at, I am sure I should know about it. It seems to me—and I believe other trustees feel as I do—that an institution like the University of Pennsylvania, which is so large a factor in the public life, should have a publicly declared policy on certain of the questions that are now dividing the communities. Such a policy should be formulated on intellectual standards and it should be indicated by the best of mature and cultivated thought. This is as important for the University, the student body, and the faculty as for the public at large. There must be some intellectual direction somewhere. This matter and its possible effect in limiting certain sorts of sensational utterances by a few faculty members has been discussed only informally among the trustees, but it will come up at the next meeting. It may be a long time before we can announce anything definite. Meanwhile, I think I might safely speak for all the other trustees when I say

I know nothing whatever about the causes underlying the present excitement. I cannot make out what Dr. Nearing and Dr. King are driving at when they say their utterances have been suppressed, or that they haven't been permitted to speak their minds. Anyone familiar with Dr. Nearing's speeches would naturally wonder greatly what sort of mind he has, or what thing it is that he has left unsaid. It seems to me, as well as the others, that he has enjoyed freedom of an absolute sort, and anyone who reads the newspapers even casually probably will think so too." (P. 375.)

This is followed by a reprint of a derogatory cartoon from the *Philadelphia Record*, representing Wisdom in the guise of an old man, holding off the Fool-killer, who resembles the ideal type of our primitive ancestors, brutish and unkempt, clad in skins and armed with a club, and who is menacing a tiny creature in cap and gown, labeled the Young Professor, and mounted on a pedestal labeled Radical Utterances on Social and Economic Questions.

The article continues below the cartoon with an interview of Mr. Effingham B. Morris, quoted from the *Public Ledger*:

"In all universities professors habitually express themselves freely upon questions which interest or divide the community. It could never seriously be suggested in any college or university in this country to stifle or control freedom of thought or expression by professors. In a large teaching staff of several hundred men, such as exists at the University of Pennsylvania, occasional unwise utterances are, of course, inevitable, but they do little harm.

"It is natural for some of the younger teachers to take themselves and their opinions upon current social or economic questions more seriously than is warranted by the extent of their practical experience. It is only the passage of years which leads discreet professors, as well as other workers in the world, to be tolerant of the opinions of other students of life as it exists.

"Infallible wisdom cannot be expected to hover continuously over the chairs of all professors, any more than over all board rooms of trustees, or over all newspaper or any other offices. Differences of opinion must always exist. But if sanity and good temper and sober-mindedness are kept in view by all persons concerned—trustees, professors, students, and the public—there will seldom be any occasion for criticism, and none at all for an outcry on behalf of liberty of opinion and freedom of speech at the University of Pennsylvania."

The article continues:

"As Dr. William Draper Lewis, Dean of the Law School, has been perhaps the most widely distinguished member of the Faculty before the public, an inquiry was addressed to him as to whether or not freedom of speech had been accorded him.

"Dear Mr. Lippincott: I have received and have had under consideration for two days your letter in regard to a statement from me to be published in the *Alumni Register* in re the question of free speech. It appears to me that the Board by adopting the suggestion of Mr. Morris, has put a quietus on the discussion and I do not believe that it would do the alumni any good to reopen the matter in the *Alumni Register* even though I can state, as

every University man knows, that I have never been hampered in any way by the Board of Trustees. I have communicated with the Provost and I find that he agrees with me on the subject.

"Sincerely yours,

"WILLIAM DRAPER LEWIS."*

* Read in this connection the *Alumni Register's* attack on Dean Lewis, in an editorial published December, 1914, and reprinted on page 66.

8. RELIGIOUS AND EDUCATIONAL AIMS.*

In a recent communication to Mr. Harrison Morris, Mr. George Wharton Pepper invites a discussion of the definition and limitation of free speech. "This is the right," Mr. Pepper says, "to proclaim views and discordant with the ethical sense of the community and so proclaimed as to evidence due consideration for the sensibilities of those holding different views." Mr. Pepper's definition of free speech contains so many terms of doubtful meaning that I think he will recognize the reasonableness of asking him to define the limits he would set to free speech, with somewhat greater precision and with some reference to particulars. How, for example, will Mr. Pepper undertake to determine what the ethical sense of the community is? Is it the ethical sense of some one trustee, or the average ethical sense of the entire board? If the board of trustees is too small a body from which to derive the ethical sense of the community, can this be represented by the ethical sense, say, of a majority of the voters in Philadelphia, as expressed in some general election in which one or another political organization may have won a decisive victory?

Another term requiring more precise definition is "due consideration for the sensibilities of those holding different views." Mr. Pepper has always shown in his relations with other men the most delicate consideration for the thoughts and feelings of others, and naturally expects that he has a right to claim from others the same consideration for his own thoughts and feelings. Owing to the great diversity of opinion on matters of taste, many might think this measure of consideration excessive. In the rough and tumble battle of life, not every man is clever or politic enough to make his utterances void of all offense.

Freedom of thought and freedom of speech can only be defined in terms of the specific ideas involved in a particular statement. No one believes in license; but on the other hand, I think we agree, in this country at least, that in matters of religion and politics there can be practically no limit assigned to freedom of thought and expression. I understand Mr. Pepper to

*The *Public Ledger* and the *North American*, 6/28/15.

be in essential agreement with this view when he says in reply to Mr. Wharton Barker, "Neither I nor any member of the board has made any proposal at any time respecting his (Prof. Scott Nearing's) utterances on economic subjects which could by any possibility be construed as foreshadowing an attempt to restrain religious liberty." But I must confess that again I find Mr. Pepper's meaning doubtful. Mr. Wharton Barker had asserted: "If the action Mr. George Wharton Pepper and Mr. J. Levering Jones would have the University take should be taken—action I cannot believe possible—Jews, Unitarians and other dissenters would be driven from the University of Pennsylvania." While Mr. Barker's statement apparently refers to other and wider issues than the mere removal of Professor Nearing, Mr. Pepper limits his contradiction of Mr. Barker to the board's action in the case of Dr. Nearing, and then only in so far as it concerns "his utterances on economic subjects." I think we may, therefore, ask Mr. Pepper whether he or any other member of the board has ever made any proposal respecting Professor Nearing's or any other instructor's utterances on any subject "which could by any possibility be construed as foreshadowing an attempt to restrain religious liberty."

The expression, "an attempt to restrain religious liberty," I find also in need of more precise definition. As commonly understood, this would mean an effort to keep a Jew, a Unitarian or an agnostic out of the faculty. I do not so interpret Mr. Barker's strictures; as I understand him, "an attempt to restrain religious liberty" would be represented by any effort to restrain the freedom of thought and its expression, which should be made in the name of religion. In view of Mr. Pepper's known religious convictions and his constant endeavor to act in accordance with what he holds to be true and right, which has gained for him the cordial and well-deserved respect of the community, I feel that he will himself recognize that it is but just to the faculty of the University of Pennsylvania that he should frankly state the extent to which he would permit his religious convictions to determine his actions as a member of the board of trustees in voting for or against a particular candidate for an office of instruction.

Is it not fair to ask Mr. Pepper, now that he has himself

proposed a definition of free speech, to tell us whether he agrees with Huxley's definition and if not, to what particulars of the definition he takes exception? Mr. Barker quoted from Huxley's installation address as rector of Aberdeen: "Universities should be places in which thought is free from all fetters, and in which all sources of knowledge and all aids of learning should be accessible to all comers, without distinction of creed or country, riches or poverty."

The necessity for asking Mr. Pepper to declare the extent to which his religious convictions would determine his interpretation of the ethical sense of the community is due to my belief that Mr. Barker is right, and that there are influences at work within the governing body of the University and among its friends, which "foreshadow an attempt to restrain" intellectual freedom and expression in the name of religion. In support of my belief, I shall, for the present, confine myself to two particulars.

Recently the board of trustees approved, on recommendation of the college faculty, a new curriculum for the college department at the University of Pennsylvania. It is but just to the University, and especially to its board of trustees, at this moment when they are subjected to such adverse criticism because of the secrecy and abruptness of their action in the case of Professor Nearing, that critics of the University should know that this new curriculum is probably the most liberal and efficient curriculum existing today at any college in the country.

Moreover, in securing the passage of this curriculum through the faculty and through the board of trustees, Professor Cheyney, as chairman of the faculty committee on curriculum, and Professor Smith, as provost, employed a mode of procedure which might be taken by every institution of learning as a model of democratic government in university affairs. Provost Smith, even though he was opposed to the curriculum, nevertheless recommended its adoption by the board of trustees because the college faculty had approved it. He also provided for a series of conferences between members of the board of trustees and members of the faculty, which had a great effect in reducing the opposition of certain members of the board to the curriculum. My gratification over the adoption of this curriculum was equalled only by my enthusiasm for the democratic procedure employed,

and I had hoped, until the recent action of the board of trustees, that this represented a fixed mode of procedure and promised, in all important matters affecting the welfare of the University, the co-operative deliberation of trustees and faculty.

Owing to the difficulty of obtaining definite information as to any action of the board of trustees, I ask Mr. Pepper to correct me if the statement is wrong, that, in the final vote of the board, he cast the only vote recorded against this new curriculum. **I have reasons for believing that Mr. Pepper thinks that the college curriculum should be reduced to a minimum number of subjects, and that the content and methods of instruction should aim at molding the mind and character of students in conformity to his religious and ethical ideals.** Not only are religious convictions variable, and their effect upon thought and action difficult to ascertain, but educational ideals also undergo great progressive changes. The dominant religious convictions of two hundred years ago giving ethical tone to the community are not the dominant religious convictions of today, nor is educational theory and practice the same as it was even fifty years ago. Liberty and conformity are contrasting ideals in education, as well as in religion and government. In education, the ideal of liberty is realized when the subjects of instruction are presented so that the student is made to think for himself. The ideal of conformity achieved its highest realization in the marvelous educational technique of the Jesuits. This ideal, taking to heart the ancient proverb, "As the twig is bent, the tree's inclined," insists that we have an intellectual and ethical pattern so fixed and definite that every youth can be molded in conformity to it. All phases of life are based upon compromise, and no one can safely advocate the complete exclusion of either ideal. The unsafe person in educational work is the man who uncompromisingly insists upon carrying forward an educational system in accordance with one ideal to the total exclusion of the other.

Professor Nearing represents perhaps one extreme of educational theory and practice. All his students, I believe, call attention to the fact that he is a good teacher, because he makes his students think. Mr. Pepper is supposed to represent the opposite extreme, and might, if he had the power, put his ideal into practice. This outcome is foreshadowed in a report of the

same board of directors of the General Alumni Society, whose sub-committee on the Wharton School initiated the movement which culminated in Professor Nearing's removal. Its sub-committee on the college puts forth, in a tentative way, as though to try out opinion, the suggestion that retrenchment in some directions is necessary in the matter of college electives, and proposes the strengthening of what it calls "the more general courses." If retrenchment is based upon financial reasons only, it will not be the safe subjects like Latin and Greek which will be retained, but rather what Mr. Pepper and his associates probably consider the dangerous modern sciences, for these have by far the larger attendance.

The antagonism of certain religious convictions to modern scientific methods and to efficient social organization is too well known to need confirmation. To make clear, however, the kind of religion which I have in mind, I must refer to a specific instance. The social service department of the University Hospital is organized to give individual care to persons applying to the dispensaries or received into the wards for treatment.

The function of this department is to see that patients are properly directed in securing the best possible medical and other treatment which the University Hospital affords, to inquire carefully into the patients' home conditions, to offer relief when needed, to impart elementary instruction in hygiene and to see that the treatment prescribed by the doctors is actually carried out by the patient. The only ward which excludes the social service department, with its tender of modern scientific care, is the maternity ward, where as a matter of fact the services of the department are probably most needed. As a substitute for the social service department, the committee intrusted with securing funds for the ward and having the welfare of the patients in charge, employs a missionary visitor to give spiritual ministrations, whose attitude appears to be that, so long as the babies are baptized, it doesn't matter whether they die or not. The social service department has been subjected to the injustice of adverse criticism on the alleged ground that mothers with their babies, especially unmarried mothers, are permitted to leave the hospital in need of care and treatment. Any one who will scan the membership of the committee on the maternity ward will discover, I

think, the same religious influence which Mr. Wharton Barker probably had in mind when he referred to the action of the board of trustees as likely to drive dissenters from the University of Pennsylvania. I hope that nothing I may say will be wrongly construed as an attack on religion, or as an attempt to set modern science in opposition to religion. I merely wish to put the friends of intellectual freedom and new knowledge on guard against the kind of religion which joins with wealth to grasp at power in the name of charity.

And now I come to Billy Sunday. Many have criticised the provost and the board of trustees for inviting Billy Sunday to address the students of the University. I do not join in this criticism, for I believe the students should be permitted to hear every variety of thought and to compare one method of presentation with another. In fact, I appreciated the privilege of hearing Billy Sunday very conveniently in the University's gymnasium. What I cannot understand is just what Mr. Bell finds objectionable in Professor Nearing's statement that he "would rather see a son of his in hell than in the Episcopal Academy." Does he object to the intemperate word "hell," or does he object to the criticism of the Episcopal Academy? If the latter, I can assure him that I have found, what runs counter to my convictions as an alumnus of the Episcopal Academy, that some persons seem to agree with Professor Nearing. I cannot ask Mr. Bell to explain the precise nature of Professor Nearing's offense, for he has recently written "finis" to our friendly interchange of opinion, but Mr. Pepper may be willing to tell us to what extent it would weigh with him in determining the fitness of a candidate for a professorship, if, like Doctor Nearing, the candidate had addressed an open invitation to Billy Sunday to attack the dishonesty of particular interests, and not merely dishonesty in the abstract. In order that we may understand just what standard of "ethical sense" the board of trustees may have established, and what they regard as "due consideration" for the opinions of others, I invite Mr. Pepper to explain why the trustees object to Professor Nearing's inconsiderate language, and yet permit the University to make very special provision in order that students may hear a man who openly speaks of one of the foremost educators in this country and an ex-president of Harvard University as "so low down he would need an aeroplane to get into hell."

I do not criticise any feature of the old-time religion, but I only wonder what are the University's standards of truth and good taste, when it invites a second time the man who declared before its assembled students and instructors massed in the largest auditorium the University affords, that "Jesus Christ is either the son of God or the natural offspring of a Jewish harlot."

9. WHAT IS THE OLD-TIME RELIGION?

THE INSPIRATION OF WHITEFIELD.

"Here in Pennsylvania the University, dating from 1740, when, under the inspiration of Whitefield, the plan of a school was first mooted, has outgrown its modest endowments."—Mr. J. G. Rosengarten, *Proceedings of the American Philosophical Society*, Vol. LII, 1913.

THE FIRST HOME OF THE UNIVERSITY OF PENNSYLVANIA.

(*From A History of the University of Pennsylvania from its Foundation to A. D. 1770. By Thomas Harrison Montgomery. Phila.: George W. Jacobs and Co., 1900.*)

At the close of the year 1739 there arrived in Philadelphia, on his way to his Parish and Orphanage at Savannah, the Rev. George Whitefield, a presbyter of the Church of England, the fame of whose extraordinary pulpit powers had preceded him, though he was a young man but twenty-four years of age. Two days after his arrival, on Sunday, 4th November, he preached in Christ Church, and read prayers there and preached daily for a week. Departing for New York on the 12th, where he was not allowed to preach in Trinity Church, though he attended both the Sunday services; he returned to Philadelphia on the 23d and departed thence on the 29th for the South, having preached daily in Christ Church, though on his return in the April following he was inhibited from holding any service or preaching there. Franklin in common with every citizen was attracted by his eloquence, and he formed a friendship for the young divine, who was eight years his junior, which continued until his death, when he wrote to a friend "I knew him intimately upwards of thirty years. His integrity, disinterestedness, and indefatigable zeal in prosecuting every good work, I have never seen equalled, and shall never see excelled." . . . Franklin says "we had no religious connection. He us'd, indeed, sometimes to pray for my conversion, but never had the satisfaction of believing that his prayers were heard. Ours was a mere civil friendship, sincere on both sides, and lasted to his death."

" . . . It being found inconvenient to assemble in the open air," Franklin says, " . . . the work was carried on with such spirit as to be finished in a much shorter time than could have been expected. Both house and ground were vested in trustees expressly for the use of any preacher of any religious persuasion, who might desire to say something to the people at Philadelphia." (Pp. 25-26.)

Franklin gave a very liberal construction to this liberty of preaching, in writing of it in after years, for he describes the "design in buildingn ot being to accommodate any particular sect, but the inhabitants in general; so that even if the Mufti of Constantinople were to send a missionary to preach Mohammedanism to us, he would find a pulpit at his service." (P. 111.)

THEN AND NOW.

To the Editor of "The Evening Post":

SIR: In 1794 there came to America Joseph Priestley, the English scientist, famous for his discovery of oxygen and for his political and religious radicalism. In the words of Jefferson, he fled from the fires and mobs of Birmingham in order to gain a refuge in the land of free thought. To this man the University of Pennsylvania offered a professorship, and at about the same time gave an honorary degree to Thomas Paine.

Then Philadelphia was the center of liberal learning of the United States, and was known as "the Athens of America." But now its university, once fathered by Franklin, dismisses clandestinely, without charges and without trial, an assistant professor of economics who has taken an active interest in political betterment.

WOODBIDGE RILEY.

Vassar College, June 23d.

THE HONEST HERETIC.

(From *Chemistry in America, Chapters from the History of the Science in the United States*. By Edgar F. Smith, Blanchard Professor of Chemistry, University of Pennsylvania. New York: D. Appleton and Co., 1914. Chap. V.)

The arrival of Joseph Priestley in America, in 1794, and his frequent presence among the men of science of that day, greatly stimulated scientific studies. The minutes of the American Philosophical Society show that on various occasions he was present at the ordinary meetings of the Society, which would mean that men like Woodhouse and others probably had frequent intercourse with him, and thus, learning to understand the man in his true nature, there was no hostility whatsoever to him. Benjamin Franklin had made the most strenuous efforts to have Priestley locate in the City of Brotherly Love. He had been his friend in England. He spoke of him as the "HONEST HERETIC," and it was Franklin who had very materially aided him in the publication of his "History of Electricity." Some of his most ardent friends were also, at the time, holding professional chairs in the University of Pennsylvania, and he, himself, had been invited to occupy the Chair of Chemistry which Woodhouse later accepted.

(Extract from letter of Joseph Priestley to Dr. Benjamin Rush, November 11, 1794.)

" . . . I am truly sensible of the honour that is done me by the invitation, and beg that you would express it for me to all the persons concerned. Nothing could have been so pleasing to me as the employment, and I should have been happy in your society, and that of other friends in the Capital, and, what I have much at heart, I SHOULD HAVE AN OPPORTUNITY OF FORMING AN UNITARIAN CONGREGATION IN PHILADELPHIA. . . ."

"A WONDERFUL DAY AT A GREAT UNIVERSITY"

"The higher you climb the plainer you are seen."—BILLY SUNDAY.

(From "Billy" Sunday, the Man and His Message. By William T. Ellis, LL.D. Philadelphia: The John C. Winston Company (1914), pages 343 seq.)

Billy Sunday has had many great days in his life—mountain-top experiences of triumphant service; exalted occasions when it would seem that the climax of his ministry had been reached. Doubtless, though, the greatest day of his crowded life was the thirtieth of March, 1914, which he spent with the students of the University of Pennsylvania at Philadelphia.

The interest not alone of a great university but also of a great city was concentrated upon him on this occasion. An imposing group of discriminating folk took the opportunity to judge the much discussed evangelist and his work. In this respect, the day may be said to have proved a turning point in the public career of the evangelist. It silenced much of the widespread criticism which had been directed toward him up to this time; and it won for him the encomiums of a host of intellectual leaders.

What Sunday's own impressions of that day were may be understood from the prayer he offered at the close of the night meeting.

"Oh, Jesus, isn't this a fine bunch? Did you ever look down on a finer crowd? I don't believe there is a mother who is any prouder of this lot of boys than I am tonight. I have never preached to a more appreciative crowd, and if I never preach another sermon, I am willing to go home to glory tonight, knowing that I have helped save the boys at the University of Pennsylvania. Help them to put aside temptations, and to follow in the paths in which Doctor Smith is trying to guide their feet."

. . . The three addresses given on that day were: "What Shall I Do with Jesus?" "Real Manhood," and "Hot-cakes off the Griddle."

These fragments of the three addresses culled from the newspaper reports give the flavor of the messages heard by the students:

"What shall I do with Jesus?"

"This question is just as pertinent to the world today as it was to Pilate," he said. "Pilate had many things to encourage and discourage him, but no man ever sought to do anything without meeting difficulties.

"Pilate should have been influenced by his wife's dream," the speaker continued, whimsically suggesting that he didn't care what sort of a wife Pilate had. "She may have been one of those miserable, pliable, plastic, two-faced, two-by-four, lick-spittle, toot-my-own-horn sort of women, but Pilate should have heeded her warning and set Jesus free," he asserted.

"Pilate had the personality of Jesus before him and should have been influenced by this. He had also heard of the miracles of Jesus, even if he had never seen them.

"Why; Jesus was cursed and discussed from one end of the land to the other. All he had to do was to say 'Come forth,' and the graves opened like chestnut burrs in the fall," he added. . . .

"But Pilate was just one of those rat-holed, pin-headed, pliable, stand-pat, free-lunch, pie-counter politicians. He was the direct result of the machine gang in Jewish politics, and he was afraid if he released Christ he would lose his job."

And thus *ad libitum*.

MR. GEORGE WHARTON PEPPER ON "BILLY" SUNDAY.

(From *A Voice from the Crowd*. By George Wharton Pepper. New Haven: Yale University Press, 1915.)

It requires all the deep religious earnestness of a man like Sunday to rescue revival phraseology from an offensive materialism. (P. 196.)

THE REV. DR. CHARLES F. AKED ON "BILLY" SUNDAY.

"And parents may very well ponder this:

"'PILATE WAS A LICK-SPITTLE, LOW-DOWN, FREE-LUNCH, HOG-POUCHED, PLIABLE, PLASTIC, WARD-HEELING, WHISKEY-SOAKED GRAFT POLITICIAN OF HIS DAY.'

"If their boys bring this language into the home, they—fathers and mothers—will understand that the youngsters have not been to a prize fight, nor to a saloon, nor to a house of infamous resort. Parents will understand that the boys have been to a religious service, and have listened to a preacher who by the grace of an American college is a doctor of divinity, and who is supported by the leading clergy of San Francisco.

"And against that I declare, in carefully chosen words, that even if every 'result' claimed by the 'official press agent' is as recorded—a colossal 'if'—and even if every one who professes 'conversion' is a penitent and a believer in Doctor Sunday's 'gospel,' then the injury done by the presentation of such a loathsome gospel, with such a frightful God, such a grotesque Christ, such a fantastic heaven, such an impossible hell, must outmeasure and outweigh beyond all calculation the good obtained by those 'results.' I have said, and I say again, there is no such God, no such Christ, no such heaven, and no such hell.

"The God who loves us, whose I am, whom I serve, the God whom I revere, is the God whom Jesus taught us to call Father. I know nothing of the fiendish deity of Doctor Sunday's ravings, nothing of his silly 'devil,' and nothing of his grewsome hell. If there were such a hell, any person of ordinary education would be more at home in it along with Darwin, Spencer, Huxley and the others whom he calls 'infidels,' than with Doctor Sunday in some gross heaven which we could not distinguish from a barroom.

"If the pulpit and the pew substitute for the religion of Jesus Christ the gospel according to 'Billy' Sunday, then Protestant Christianity is doomed, and man's indignant heart will turn away to find the symbols of its faith elsewhere."—The *Public Ledger*, 8/15/15.

THE GOSPEL OF HELL.

"Why, after hearing some of these 'mutts,' you can't tell whether man came from the zoological gardens or the Garden of Eden. Science is transforming our religion. We are 'bughouse' and 'daffy' over culture. Science and culture are all right, but they won't save you.

"The spirit of the times seems to be that of getting together in a sort of peace conference, like that iniquitous Congress of Religions in Chicago a few years ago. 'Let's get together,' they say, 'and forget the points on which we disagree. We'll throw away doctrinal dogmas that clash. We'll believe in only those things on which we are in accord.'

"Say, if you do that, what you've got left won't make a good rummage sale.

"I am not half as afraid of being illiberal as I am of being out of harmony with God. There are many better preachers than I am, but"—and here Sunday leaped into the air and shook the pulpit desk with a smashing blow—"nobody can preach a better gospel than I.

"I am dogmatic. I believe in the old-fashioned religion, and I most certainly believe in the old-fashioned hell, as revealed in God's Book of Truth. One preacher I heard of who told his congregation that, if they sinned, they would go to a place which he could not bring himself to pronounce. I can pronounce it. It's H-E-L-L. That's what it is.

"I'd rather have standing room in heaven," he shouted, "than have a quit-claim deed to the universe and frizzle in hell. Some of you who haven't read a page of the Bible in the last ten years, don't you blame God if you wake up in hell. God gave you the Bible to keep you out of hell. Don't be fooled. Somebody says that Ralph Waldo Emerson didn't believe in hell. But Ralph Waldo Emerson will go to hell if he rejects Jesus Christ. It isn't my fault. I didn't invent the plan of salvation.

"If all the devils from hell came here and sat in these chairs and told me there was no hell, I'd tell them to go to hell. Jesus Christ talked more about hell than he did about heaven. Read his graphic description of it and then tell me if hell was made to conform to the comforts of a sinner."—BILLY SUNDAY in the *Evening Ledger*, 9/1/15.

"TIDINGS OF GREAT JOY."

(From *A Voice from the Crowd*. By George Wharton Pepper. New Haven: Yale University Press, 1915.)

If you are going to preach the Gospel, please do not forget that you are the bearer of tidings of great joy. . . .

Some time ago I was one of a great audience assembled to hear Mr. Sunday. Almost all those present were college students. Before he began to speak, the young faces had upon them a curious and unnatural look of depression. "Cheer up!" said the evangelist, "you're not in church." (P. 17.)

Perhaps, however, as a voice from the crowd, I may be permitted to record my own belief in the reasonableness of the Christian solution of life's problems and my own conviction that difficulties of acceptance are more often moral than intellectual. Indeed there is almost an element of humor

in the intellectual fastidiousness of some of my friends when it comes to the acceptance of religious teaching. . . . At crises in my religious life, however, I have been fortunate enough to be aware that it was my will that was on trial rather than what I am pleased to call my intellect. (Pp. 117-8.)

There are not a few ministers of the sensational sort who are to be heard in Christian pulpits and whose pictures are to be found in daily newspapers. Not seldom their utterances are directed at community evils which ought to be remedied. (P. 109.)

If a moral issue were to be presented at the polls it may be conceded that he would have a duty to perform not only as a citizen but as a Christian minister. On the other hand, a genuine moral issue in fact seldom arises. . . . The preacher's primary duty is revelation. . . . His rule should be to refrain from political utterance unless he cannot honestly quiet his conscience in so doing. In that event let him make haste slowly and before he speaks let him confer with the most reputable man he can find who holds the view which he proposes to denounce. If after such a conference his duty to speak still seems clear, let him by all means speak his mind but temperately and as if our Lord were within hearing. (Pp. 92-3.)

FROM THE WHARTON DEED OF GIFT.

The general tendency of instruction shall inculcate:

THE DEEP COMFORT AND HEALTHFULNESS OF PECUNIARY INDEPENDENCE,
WHETHER THE SCALE OF AFFAIRS BE SMALL OR GREAT.

ECONOMICS OR RELIGION?

(From Declaration of Independence at U. of P., by Raymond G. Fuller,
Boston Evening Transcript, June 26, 1915.)

In March the provost refused to permit Samuel Gompers to give an address on the campus, Mr. Gompers having accepted an invitation from the Civic Club of the University. The students thereupon formed a "Free Speech Club" and heard the address in a hall off the campus. Gompers must keep away, but the University authorities welcomed "Billy" Sunday. It is the "Billy" Sunday crowd that is responsible for the Nearing case.

I do not mean that the men on the board of trustees are the same men who brought "Billy" Sunday to Philadelphia. I do mean that they represent the same attitude toward the social movement. They are the men who regard as Socialists all who see injustice and wrong in the present economic order of things. They consider Scott Nearing a Socialist, though he is not. They are the men who see only through corporation eyes.

Pennsylvania and Philadelphia politics are known the country over. When "Billy" Sunday was here he was asked by the *Public Ledger* if he had the nerve to tell the truth about political conditions and the men who are responsible for them. These men financed his campaign. They brought him here. "Billy" Sunday hadn't the nerve. He could have worked

miracles for the purification of political conditions in city and state, but he passed up the opportunity. He was paid for other work. He was paid to put a "quietus" on "social unrest."

For Billy Sunday's economic doctrine is this, in his own words: "There's a lot of good-for-nothing lobsters think they are called by God to go up and down the country harping for a limitation of wealth and damning the rich man for every dollar he has, while they sit around and cuss and damn and never work."

ANOTHER VOICE FROM THE CROWD.

Roger W. Babson, noted throughout the country as a statistician, who does work almost exclusively for big corporations, charged in an interview at Boston that Billy Sunday was brought to this city not for the purposes of evangelism, but to avert a strike on the Philadelphia Rapid Transit Company.

Confirmation of the reason for bringing Sunday to this city was made by P. J. Kerrane, secretary of Local 477, Amalgamated Association of Street and Electric Railway employes.

Mr. Babson's remarks were read to Mr. Kerrane. "We have been working for two or three years to get a strike for higher pay," he said. "The reason given by Mr. Babson for bringing 'Billy' Sunday to this city is correct, in my opinion."

Absolute denials of the truth of Babson's charge were made in other quarters. No one would admit that the P. R. T. carmen were on the verge of a strike, as Mr. Babson insisted.

This is Babson's statement:

"There is a league to enforce peace in Philadelphia. It is financed by millionaires. 'Billy' Sunday is the best strike-breaker the country has produced, and they are willing to pay him for strike-breaking. These men whom I know personally on the 'Billy' Sunday committees are the most conservative men alive. There was going to be a big strike on rapid transit in Philadelphia, as I know since employers pay my office to keep them informed of labor conditions.

Some one told the rapid transit people that 'Billy' Sunday would fix them up and avert the strike for two or three years. He does it by preaching that it doesn't matter what they get in this world, they can lay it up in heaven.

"He asks what difference it makes whether you get \$2 or \$5 a day, so long as you are only to be here twenty years or so and in hell an eternity.

"I have not heard that a strike was impending just before the time that 'Billy' Sunday came here," said Mr. Kerrane, "but our working people, with an intelligent view of conditions, know that what Mr. Babson says is true. Undoubtedly 'Billy' Sunday was brought here to deflect their attention from hours and pay to the world hereafter. That is the purpose of the wealthy men who stood behind 'Billy' Sunday in Philadelphia, Pittsburgh, Paterson and the other places he has visited."—*The Evening Ledger*, 7/19/15.

AN OBSTACLE TO REFORMS.

(From Professor E. P. Cheyney's address to the Graduate Alumni on "The Agitator in History.")

The obstacle to which I refer was religion. The bishops in the House of Lords were a solid phalanx, voting uniformly and consistently against the great social and political reforms which have given their name and character to the period we are discussing. Of the majority in the House of Lords that so long blocked the amelioration of the penal code, a considerable portion were the bishops. Twice bills for the abolition of the slave trade passed in the House of Commons, but were defeated in the House of Lords, the bishops all but unanimously voting against the proposed reform. The enfranchisement of the Roman Catholics was long successfully obstructed, and at the last moment much endangered by the opposition of the clergy of the established church. On the other hand, the least regular of the religious denominations, the Quakers and the Unitarians, contributed most to the cause of reform, and much assistance to propaganda for these humanitarian measures came from outside of the religious bodies altogether. My Quaker ancestors obtained alike the condemnation of the churchmen and the gratitude of the reformers of that time. It is a curious observation that heresy and reform have so generally gone together. History is full of instances; certainly it was so in this case.

Do not understand me to speak in disparagement of religion, to question its value, or even to deny the part which individual religious men have taken in movements for reform. In other connections than this, tribute might well be paid to the deep significance of religion in human life, but in the investigation with which we are now concerned, its part was one of obstruction and not advancement. As a plain historical fact, the footsteps of the progress of humanity during this period neither entered nor emerged from the churches: they walked a different path. This can perhaps be explained. Religion in England at this time had its main embodiment in the established church. Once a hierarchy established, a church endowed, legal rights obtained, social standing acknowledged, a creed and catechism formulated, and we have a group of the most nearly stationary institutions that human society has ever developed.

Other reasons may have existed. To the devotee this earth was after all only a pilgrimage. What mattered the miseries of a few short years compared with indefinite ages of eternity? Was it worth while to take any interest in bettering the conditions of this vale of tears? Was not the part of Pilgrim who ran away from the City of Destruction the better one? Moreover, the strongly religious man, recognizing that the ways of Providence are past finding out, may have hesitated to interfere with the divine guidance of the world. He might have said, it is God's world, not ours; if there is injustice and inequality and suffering, they may be here for a purpose, and we should accept them, not struggle to get rid of them; submission, not reform, should be the object of our efforts. Whether this opposition to reform or languid interest in reform was inherent in the religious spirit or only a chance accom-

paniment of it in the circumstances we have been studying, the historical fact remains, that it was against religious opposition either active or passive that the reforms I have described were attained.

SCOTT NEARING TO BILLY SUNDAY.

(From the *North American*, 2/2/15.)

February 1, 1915.

Rev. William A. Sunday, No. 1814 Spring Garden Street, Philadelphia, Pa.:

DEAR SIR—During the past four weeks I have heard and read a number of your sermons. You are endeavoring to preach the religion which Jesus Christ summed up in the two commandments—"Love thy God with all thy heart" and "Love thy neighbor as thyself." People are flocking to hear you. They weigh your words and believe them.

Would you inspire them with the true spirit of Christ?

Let me suggest one aspect of the neighbor problem in Philadelphia which offers you an unusual opportunity for service.

You are preaching in a winter almost without parallel for the frightful amount of distress and suffering among the poor, yet you have directed your invective against the churches mainly.

Why? Are the churches the chief culprits? Is not the world beginning to realize that today the most sinister crimes against the ideals of Christ's religion are committed by the system of industry for profit—a system which pays wages so hideously low that if the poor were made spiritually and morally perfect they would still be abjectly poor?

Interpret your doctrine of salvation in terms of modern life!

Would not Jesus, if He were face to face with a multitude of ten-dollar-a-week men, feed their bodies before he attempted to save their souls?

You have declared your interest in the salvation of Philadelphia.

Look around you and ask yourself what salvation means here.

The city is filled with unemployment and poverty; multitudes are literally starving; thousands of little children toil in the city's factories and stores; its workers, a third of a million strong, have no workmen's compensation law for their protection. Meanwhile the railroad interests which control the hard coal fields are reaping exorbitant profits; the traction company exacts the highest fares paid by the people of any American city; the manufacturers, intrenched at Harrisburg, are fighting tooth and claw to prevent the passage of up-to-date labor laws, and the vested interests are placing property rights above men's souls.

These monstrous offenses against humanity—this defiance of the spirit of Christ's gospel—exist today in the city which hears your message.

And further: The well-fed people, whose ease and luxury are built upon this poverty, child labor and exploitation, sit in your congregation, contribute to your campaign funds, entertain you socially, and invite you to hold prayer meetings in their homes.

These are they that bind grievous burdens on men's shoulders, that make

clean the outside of the cup and the platter—the devourers of widows' houses, against whom Christ hurled His curses.

Here is Dives; yonder is Lazarus. And it is Dives who has made your campaign financially possible.

Make no mistake! The chief priests, scribes and Pharisees of Philadelphia will never crucify you while you deal in theological pleasantries. Has it occurred to you that their kindness is a return for your services in helping them to divert attention from real, pressing worldly injustice to heavenly bliss? Turn your oratorical brilliancy for a moment against low wages, overwork, unemployment, monopoly and special privilege.

Before you leave Philadelphia will you speak these truths?

We pray "Thy Kingdom come on earth." While men are underpaid, while women are overworked, while children grow up in squalor, while exploitation and social injustice remain, the Kingdom of God never can come on earth and never will.

Yours truly,

SCOTT NEARING.

ECCLESIASTICISM DOOMED.

(By W. S. Rainsford, in the *New Republic*.)

The world has not tired of Jesus Christ. It thinks more about Him than it has ever done before. It honors Him, believes in Him, and wants to follow Him. Men who look into their own lives and hearts (and such men ultimately lead their fellow men), men who are intelligent enough to observe the course of the world in which they live, feel that these times need Him as truly as have any times needed Him since He was a baby born. So much is sure.

Another thing seems equally sure. It is this: That Christianity as it has been proclaimed by the orthodox churches can no longer hope to win a world-wide influence. It has lost what it claimed to possess, the power to uplift and guide the nations, to draw men to each other, to base human life on human brotherhood. Confronted with national hatreds and jealousies, it has utterly broken down. The great national churches have played an insignificant and unworthy part in the vast drama now unfolding. These churches have either perverted what Jesus taught, or they have placed false emphasis on His teachings. They have insisted on things He cared little for, or knew nothing about, such as creeds, sacraments and dogmas, and they have eagerly strived for things He distinctly refused to have anything to do with, political position and social power. They have not insisted, as He did, that to love God, and when we fail to do that, then to do the next thing to it, viz., love men, is the one real, possible, saving, immediate duty of all who would be His disciples.

The religious world we have known can never be the same world again. The sort of Christianity we were generally taught as boys can never be taught again. Men will have a real Jesus, an actual leader and teacher, or if He is made impossible to them, they will find some other race leader, for we are all incurably religious. The churches have, with the best intentions, disguised

their Lord. Some of the disguises they have clothed Him in are beautiful and reverable, but even the beautiful ones must finally go to the rag-bin. Multitudes feel that the real Jesus, when He is presented to men, still draws all that is best in the human heart to Himself—still has power, as has no other, to save men from their sins. But of ecclesiasticism our age is sick. It has disguised and distorted the master of men. Its doom is the rubbish heap, to which Jesus condemned it long ago.

"DIVINITY SCHOOL TO MOVE NEAR UNIVERSITY."

"The Trustees of the University have emphasized the fact that the removal of the Divinity School to a site near their institution will not indicate that the big institution of learning has become sectarian."

(*Alumni Register*, November, 1914.)

COMPULSORY CHAPEL.

(Editorial Comment: "A University Chapel," in the *Alumni Register*, for February, 1915.)

"The most interesting and important phenomenon in student life in the United States is the religious awakening. Perhaps in no American university is the new spirit more potent than in Pennsylvania.' So wrote George Wharton Pepper, '87, a trustee of the University, last year. . . ."

"Provost Smith has said: 'The greatest present religious need of the University of Pennsylvania is a chapel building which would accommodate the entire student body and would provide an adequate center for church activities within the University, under the executive management of the Christian Association. Such a building would conserve the wonderful unity which now exists in all departments of the religious and social work of the University.'"

"This is a logical development of the demand of the students for compulsory chapel and their interest in a recent evangelistic campaign. With all these signs of life in the big body it would be well to carefully direct and conserve it so that it may not run to abuse or discouragement."

The *Alumni Register's* first editorial in the April, 1915, number, entitled "Literae Sine Moribus Vanae," is as follows:—

"The *Red and Blue* says that 'attendance at chapel has ceased to be required.' It continues to make the following observations about the subject in general:

"And if the cut and dried religious tone of the meetings is adhered to voluntary chapel also will fail as it has here in the past and as it has at other big cosmopolitan universities. The student doesn't want to be preached to incessantly. He can get that on the Sabbath Day, if he has a mind for it. He wants chapel to be a place where he can get a quickening of his better impulses; where he can have his thoughts lifted from the muck of the commonplace; where his mind will be elevated to a realm of the beautiful, the good, and the sublime. A sermon is only one means to the end. A talk that voices the thought of some of the world's greatest thinkers would accomplish

the result without injuring sectarian prejudice. Music is one of the surest means of sounding the sweetest and noblest chords of the soul. We have musical clubs who entertain others, but whom we never hear. Why could they not favor us in chapel occasionally? We have scholars among the Faculty whose words would be an inspiration. We have alumni who have climbed high on the ladder of attainment. Why could not these, with others of the world's great who would be honored to come, be invited to address us? If chapel were conducted on these lines, it would attract and uplift all and would offend none.'

"Evidently this youthful editor wants to turn the worship of God into a Town Meeting, or perhaps a play like 'Bringing up Father' would suit him better. Spiritual awakening and acknowledgment can only be realized by a step aside from the immediate into such a place and practice that one may experience the reality of what lies beyond and above all opinion and difference and enter into a deeper consciousness of Divine guidance and inspiration."

The *Alumni Register* goes on to mention the influence of Provost Smith, and to quote from his talk to the alumni on the evening of University Day:

"The University of Pennsylvania was founded by God-fearing men and women. When the University first opened its doors to the public, it opened them with prayer. As the students entered the University, they were given a prayer book by the Trustees of the University, and every student read a morning prayer in his chamber and then repaired to the old college and there united with the other students in more formal prayer or service. At the close of the day every student retired to his room and repeated one of the prayers that were written by Richard Peters, a man who later became president of the Board of Trustees.'"

10. WHICH IS THE OLD-TIME EDUCATION?

BENJAMIN FRANKLIN.

(From Proposals relating to the Education of Youth in Pensilvania. Philadelphia: Printed in the Year MDCCXLIX.)

The Idea of what is *true Merit*, should also be often presented to Youth, explain'd and impress'd on their Minds, as consisting in an *Inclination* join'd with an *Ability* to serve Mankind, one's Country, Friends and Family; which *Ability* is (with the Blessing of God) to be acquir'd or greatly increas'd by *true Learning*, and should indeed be the great *Aim* and *End* of all Learning.

As to their *STUDIES*, it would be well if they could be taught *every Thing* that is useful, and *every Thing* that is ornamental: But Art is long, and their Time is short. It is therefore proposed that they learn those things that are likely to be *most useful* and *most ornamental*, Regard being had to the several Professions for which they are intended. . . .

The *English* Language might be taught by Grammar, in which some of our best writers, as *Tillotson*, *Addison*, *Pope*, *Algernon Sidney*, *Cato's* Letters, &c should be classicks: The *Stiles* principally to be cultivated, being the *clear* and the *concise*.

When Youth are told, that the Great Men whose Lives and Actions they read in History, spoke two of the best Languages that ever were, the most expressive, copious, beautiful; and that the finest Writings, the most correct Compositions, the most perfect Productions of human Wit and Wisdom, are in those Languages which have endured Ages, and will endure while there are Men, that no Translation can do them justice, or give the Pleasure found in Reading the Originals; . . . they may be thereby made desirous of learning those Languages, and their Industry sharpen'd in the Acquisition of them . . . and though all should not be compell'd to learn *Latin*, *Greek*, or the modern foreign Languages; yet none that have an ardent Desire to learn them should be refused; their *English*, Arithmetick, and other Studies absolutely necessary, being at the same Time not neglected.

THE REV. WILLIAM SMITH, D.D.

(From A General Idea of the College of Mirania. By the Rev. William Smith, D.D., 1753.)

They were convinced that, without a previous good Education, the best Laws are little better than *Verba minantia*, and considered as such, will be duped and broke thro' with impunity by illustrious Villains; that the Magistrate can at best but fight vice into a corner, and that 'tis Education alone can mend and rectify the Heart; that no Government can subsist long on Violence and brute Force, and that Nature follows easily when treated rationally, but will not bear to be led, or driven.

With regard to learning, the Miranians divide the whole body of people into two grand classes. The first consists of those designed for the learned professions; by which they understand divinity, law, physie, agriculture, and the chief officers of the State. The second class of those designed for mechanic professions, and all the remaining people of the country These considerations gave rise to what is called the Mechanics' School in this Seminary. It might, however, as well have been called a distinct college; for it is in no way connected with what is called the College (by way of Distinction) than by being under the Inspection of the same Trustees, and the Government of the same Head, whom they call Provost or Principal. Most of the Branches of Science, taught in the College, are taught in this School; but then they are taught without languages, and in a more compendious manner, as the circumstances and Business of the Mechanic require.

This school is so much like the English School in Philadelphia first sketched out by the very ingenious and worthy Mr. Franklin, that a particular Account of it here is needless.

(From a hitherto unpublished sermon in the *Alumni Register*, Vol. XV, Sept., 1912.)

"Nevertheless a Person, who knows himself endued with Reason & Understanding; will not be content to take his Knowledge entirely at second Hand, on Subjects so important as the nature & fitness of things, & the summum bonum of man he will not care to rely wholly on a historical Knowledge, founded on the Experience & Testimony of others; however much his Labours may be shortened thereby. He will think it his Duty to examine for himself and to acquire a Moral & Physical Knowledge; founded on his own Experience and Observation."

MR. GEORGE WHARTON PEPPER.¹

(From *A Voice from the Crowd*. By George Wharton Pepper. New Haven: Yale University Press, 1915.)

My answer is that on the Christian theory there are really no such things as secular and religious education. . . . Subtract God and you get—not secular education, but no education at all. (P. 100.)

A better way of saying the same thing is to assert that a Christian teacher, really in earnest about the coming of the Kingdom, would use the teaching of every subject as an opportunity to reveal God to the child. (P. 102.)

If, then, a duty is laid upon us to propagate our religion, how can the duty be discharged? . . .

Most of our colleges and universities are administered upon a principle which divides religion from education. . . . In many instances the prevailing sentiment of the university is definitely hostile to organized Christianity. . . . We include nowadays among subjects studied in the universities many courses with high-sounding names which are scarcely more than opportunities for instructors to express their individual views upon the great problems of life. . . . The instructor's criticism is destructive. He usually makes no

effort to supply a substitute for that which he would destroy. The preacher of the academic type may do little good; but he is at least proclaiming a positive philosophy and is not engaged in subverting foundations. . . .

The teacher who interprets all of life in terms of brotherhood is responsible for leading the student to forget God. (Pp. 105-10.)

The Roman Catholic Church is the religious group which has perceived most clearly the dangers of a secularized education. . . .

When the question of compulsory religious education for the children of religious people becomes a live political issue it will be deplorable if all Christian citizens do not feel able to range themselves on the same side. . . .

To know God would be recognized as the highest use of human faculties and education would be perceived to consist in the development of all our powers to this great end. For ethical codes without compelling power, there would be substituted moral teaching with a religious sanction. . . .

I confess myself wholly without suspicion respecting the motives and aims of our Roman Catholic brethren. If I am alive when they propound a remedy for existing mischiefs I shall make an earnest effort to place myself in agreement with their proposal. . . .

"Teacher," the Herodians said to Him on one occasion, "we know that you are an honest man and that you teach the Way of God honestly and are not afraid of anyone; for you pay no regard to a man's position. Tell us, then, what you think. Are we right in paying taxes to the Emperor or not?" When at His direction they showed Him a florin, He asked, "Whose head and title are these?" "The Emperor's," they answered: on which He said to them, "Then pay to the Emperor what belongs to the Emperor and to God what belongs to God."

Men and brethren, it may be for us a perilous thing if with this injunction ringing in our ears we continue longer to render to the Prince of this World the educational tribute that is due to the King of Kings. (Pp. 124-32.)

JOSEPH WHARTON.

(From Joseph Wharton's Deed of Gift.)

. . . The school shall offer facilities for obtaining:

(1) An adequate education in the principles underlying successful civil government.

(2) A training suitable for those who intend to engage in business or to undertake the management of property.

In carrying out these two purposes the general tendency of instruction shall inculcate:

(a) The duty of every one to perform well and cheerfully his part as a member of the community whose prosperity he thus advances and shares.

(b) The immorality and practical inexpediency of seeking to acquire wealth by winning it from another rather than by earning it through some sort of service to one's fellow-men.

(c) The necessity of system and accuracy in accounts, of thoroughness in whatever is undertaken and of strict fidelity in trusts.

(d) Caution in contracting private debt, directly or by indorsement, and in incurring obligation of any kind; punctuality in payment of debt and in performance of engagements. Abhorrence of repudiation of debt by communities and commensurate abhorrence of lavish or inconsiderate incurring of public debt.

(e) The deep comfort and healthfulness of pecuniary independence, whether the scale of affairs be small or great. The consequent necessity of careful scrutiny of income and outgo, whether private or public, and of such management as will cause the first to exceed (even if but slightly) the second. In national affairs this applies not only to the public treasury, but also to the mass of the nation, as shown by the balance of trade.

(f) The necessity of rigorously punishing by legal penalties and by social exclusion those persons who commit frauds, betray trusts or steal public funds, directly or indirectly. The fatal consequences to a community of weak toleration of such offenses must be most distinctly pointed out and enforced.

(g) The fundamental fact that the United States is a nation composed of population wedded together for life, with full power to enforce internal obedience, and not a loose bundle of incoherent communities living together temporarily without other bond than the humor of the moment.

(h) The necessity for each nation to care for its own, and to maintain by all suitable means its industrial and financial independence; no apologetic or merely defensive style of instruction must be tolerated upon this point, but the right and duty of national self-protection must be firmly asserted and demonstrated.

The administration of the school shall be subject to the rules adopted from time to time by the board of trustees for the management of it and of analogous schools connected with the University (which schools are designed to be component parts of, and to act in strict harmony with, the general plan of the University), and it shall have as full measure of independence concerning its internal details and the arrangement of its special lines of work as may in the judgment of the trustees be consistent with the vigorous and successful development of this school and of the University.

THE ALUMNI REGISTER.

The leading article in the May 1913 number is Professor Cheyney's article on "An Ideal of the Universities," from which the following abstract is made:

"All universities tend to fall into two classes, those that are influenced primarily by the past, and those influenced primarily by the present. The best examples of the former are to be found at Oxford and Cambridge. . . .

"But such an ideal costs its price. Oxford and Cambridge are curiously detached from English national life. Their real influence in the community is extremely slight. Except on the part of those who actually attend them there is but little pride or interest in them and still less loyalty to them. . . .

"In seeking for a type of universities whose predominating influences are those of the present rather than the past the most complete embodiment of

this ideal is probably to be found in the great state universities of our western states. An agricultural school and a little college of liberal studies, . . . this or something like it was the usual basis of these institutions. As time went on and as the interests of the community became more diversified, other departments were added; an engineering school, an affiliated medical school in the nearest large city, a law school, perhaps a school of forestry or of architecture or of fine arts or of journalism, a graduate school or a school of pedagogy. . . . With the increase of wealth and general culture, of ambition and opportunity, the college proper increased in numbers and equipment, in enlightenment of teaching and interest of study until in almost every western state institution it is now the strongest department.

"To which of these types of universities should Pennsylvania belong? To which does it belong? To which must it belong? It cannot be the institution of a special class. The 5,000 students whose names are annually printed in our catalogue come from all parts of the country and the world, and from all classes of society. The most conspicuous feature of the recent conference of alumni societies in New York was its nation-wide character. One of the most impressive tables in the annual catalogue is that of the geographical distribution of students, and some of the most striking news items in the University publications are reports of the actions of our alumni in distant regions and diverse occupations. . . .

"Moreover, of every fifteen students who come to the University fourteen come for some specific object, to one or other of the professional or technical schools, but one comes for general education. We must adjust our courses to the needs of these students or they will not come. We cannot set up a certain arbitrary ideal and say to men looking for something else that they must come and submit themselves to this. . . .

"Again it is possible that the sincere acceptance of the task of conforming to the higher ideals of our own time might involve some changes in our curriculum. We are one of the very last institutions in the country to require both Greek and Latin for the degree of A.B. Harvard, Yale, Columbia, Cornell, Johns Hopkins, all the great state universities, all the Canadian universities, most of the small colleges of New England, the Middle States and the West, Amherst, Williams, Haverford and such colleges, with all the women's colleges, have ceased to insist on both the ancient languages for the A.B. degree. Nor can the most diligent inquiry discover any signs of a reaction or return to the old requirements of both Greek and Latin on the part of these institutions. There were but twenty-three graduates with the degree of A.B. from our University of 5,000 students last year, and four of these were women from the College Courses for Teachers. . . .

". . . This question of degrees is proverbially a difficult one and a Committee of the College faculty is at present engaged in making a thorough study of the whole question. But light will certainly be thrown upon it by deciding first what the real ideal of the University is, how far we are trying to perpetuate an established body of knowledge and doctrine, how far we are willing to test our work constantly by its adaptability to our own time and our own community.

"Such is at least one ideal of a university,—of our own University. It should be a body of men bound together by a common loyalty to a great institution with all its memories and all its hopes and a great principle, that of service to the whole people; a university that responds to every thrill of life in the community; a university that raises every public movement of intellectual or scientific or social significance to a higher level by the force of its dignity, its prestige, and the higher mental training, clearer insight, and broader outlook of its alumni, its trustees, its professors, and its students.

"EDWARD P. CHEYNEY, '83."

(From *The Alumni Register*, November, 1913.)

EDITORIAL "THE PROVOST OPENS THE UNIVERSITY."

"The Provost has upon several occasions proclaimed his faith in 'an old-fashioned education,' but never, perhaps, more earnestly than in his opening address to the students this year. . . . If we are to accept popular ideas and changes in our education, how far are we to go? . . . Few will deny that students are far less competent to decide what is good for them than the college authorities. The student body, like the world at large, catches up every new fad and unthinkingly lusts for the privilege of controlling its own destiny."

In a news note the Provost is quoted as having said,—

"The course I would choose would consist of four years each of Latin, Greek and mathematics; four or three years of English, German and French; at least a year of chemistry, physics, philosophy, logic." And the reporter adds, "The rest of the Provost's ideal course was drowned in the good-natured laughter of the audience, at the task he was outlining for his wished-for bachelor of arts. The Provost furthermore declared that he would have most of the work in the ideal course required, and give the students little chance to exercise a choice in elective courses."

Mr. Adams in his "Student Letter," commenting on the Provost's ideal arts course, remarks:

"Though not one-tenth of the Provost's hearers were Arts men, and not one-tenth of these could pride themselves on having taken 'four years of Latin and four years of Greek and four years of Mathematics,' still all were glad to hear something to offset the fact that there is no room in Logan Hall large enough to hold the Freshman Class in the Wharton School."

(From *The Alumni Register*, October, 1914.)

In an article, "The Changed Requirements for A.B.," Professor Schelling explains the reasons which led the Faculty of the College to urge the adoption of the new curriculum. Among other things, he said:

"In neither Harvard, Yale, Columbia, Cornell, nor Johns Hopkins is the study of Greek demanded as a prerequisite to the B.A. degree, and this is

no new thing in any of these cases, to name no more. The mere practice of others is not enough to justify an action in itself inadvisable. But why should we continue to send our Philadelphia boys elsewhere—as we have been doing for years—when they wish a liberal education because we illiberally refuse to be guided by the accepted trend of our time? And, in conclusion, may I observe that the abolition of compulsory Greek is not the abolition of Greek? It may be questioned whether Greek flourishes less where it is not demanded of all students in Arts. Is Greek more a dead language at Harvard or Yale than at Princeton or Chicago, in which two latter colleges it is still demanded? I leave such matters to the statistician, feeling assured that education, like all things else, must change with the times; that new conditions beget new measures, and that the study of Greek, still one of the most admirable means to true culture, will be safe in the hand of those who teach it to willing disciples rather than to those who labor under the constraints of an obsolete custom."

This is immediately followed by a brief statement signed by the five members of the Committee of the Alumni on the College to the Trustees. The five men are J. Somers Smith, William S. Ashbrook, C. F. Gummey, Henry W. Moore, and Thomas B. Prichett. It contains the following:

"It seems to us that a change such as is proposed has a certain retroactive effect, and in the final decision of the matter we would respectfully submit that those already holding A.B. degrees from the University would view with regret any change in the requirements for the degree which would make it less distinctive.

"While your committee feels that some appropriate degree might be granted to those students of the college not pursuing all of the so-called liberal studies, such a degree for example as Litt.B., we desire to place ourselves on record as of the conviction that the study of Latin, Greek, Philosophy and Mathematics should be required for the degree of Bachelor of Arts."

This again is followed by a brief article signed by Mr. Ashbrook, preceded by an editorial note,—“This article was written in response to a request from the Editor as to the reasons which had led the Sub-committee on College of the Board of Directors of the General Alumni Society to report (April 2, 1914) that it would view with regret any change in the requirements for the B. A. degree which would make the degree less distinctive.”

Mr. Ashbrook remarks that the classics at Pennsylvania “have been badly taught,” points to the fact that Greek is required at Princeton for the B.A., and quotes Dean West that the “classics form one of the finest intellectual disciplines known in the history of education.” He concludes,—

“There has been a tendency perhaps among the alumni to lay too much stress upon mere numbers as a test of the growth of our own or any other university. Too much may be sacrificed to numerical growth. A university ought to be a ‘People’s College’ only in the sense that it affords the people an opportunity to get the best. Harm is done both a university and the people when something less than the best is labeled ‘just as good.’”

Under the heading “The College” the editor remarks, “The editor was

struck with the recurrence of recorded losses, or perhaps some would prefer to call them changes. The old clock tower is gone, so is Greek from the A.B. requirements, and the necrology list is unusually long.

"We have printed important contributions regarding the second of these changes in which 'those who are giving their lives to education' have nearly united. . . .

"There must be some standard, some authority, and we think the University should assume such leadership in the best things of life. The alumni, through their officially organized committee on the College, were not in favor of the change in the requirements of the curriculum, and so reported to the Trustees. Perhaps they were wrong, but it is reasonable to think that those who are most in touch with the affairs of everyday life, for which the University is supposed to be educating its students, are more or less familiar with what things serve a man well in life. We believe their opinion, therefore, from this point of view as well as with the idea of recognizing the alumni, is entitled to serious consideration."

In "Editorial Comment" under the heading "Masters" the editor speaks of the advantages of being a student under famous teachers, and then says,—

"We cannot praise too highly the aim of the Provost to secure men for the faculty of distinguished ability and reputation—scholars and teachers—and to urge upon the Trustees more strength in promptly casting out the fads and fancies emanating from those of immature and unproved attainment which can only lower the University's reputation in the world of sound achievement."

The next editorial says:

"We read in the public prints of the letting down of the bars in the requirements for the University's degree of Bachelor of Arts. Coming almost immediately after the recommendation of our Committee on the College that these requirements be not changed, which was understood to be in accordance with the wish of the Provost, we are somewhat surprised at this popular concession. Pennsylvania A.B. men have been worthily proud of a degree which means something and of the opportunity at our University for the training of scholars."

(From *The Alumni Register*, November, 1914.)

In the "Student Letter," which is signed by Casper W. B. Townsend, '16, occurs this passage,—

"Provost Smith, in treating of the new requirements for the Bachelor of Arts degree, urged that the disciplinary courses should not be forgotten in the rush for popular electives. These words were impressed upon the minds of those of his hearers who had registered in the College to such an extent, that the registration in the courses in Greek should considerably increase this year, when given as a free elective, over last year, when Greek was a subject required for an A.B. degree."

(From The Report of the Sub-committee on College of the Board of Directors of The General Alumni Society, dated March 29, 1915, and signed by

J. Somers Smith, '87, Phila., Pa.
 Thos. B. Prichett, '78, Phila., Pa.
 H. W. Moore, '82, Phila., Pa.
 C. F. Gummey, '84, Phila., Pa.
 William S. Ashbrook, '87, Phila., Pa.
 Chas. A. Upson, '00, Lockport, N. Y.
 Marshall S. Morgan, '04, Phila., Pa.
 H. B. Heyburn, '12, Louisville, Ky.
 Charles T. Murphy, '94, Los Angeles, Cal.)

"... The Committee would suggest the possibility of retrenchment by the University in some directions in the matter of electives.

"The Committee in this suggestion is not attempting to pass upon the advisability of any particular course, but is merely urging consideration of the general principle that the strengthening of the more general courses may prove of greater advantage to the College *under present conditions* than electives not likely to be generally chosen."

(*Alumni Register*, May, 1915.)

(From *The Alumni Register*, December, 1914.)

Editorial: "The Law School":

"The announcement that William E. Mikell, Esq., has been appointed Dean of the Law School, and that the former Dean, Dr. William Draper Lewis, has been granted a year's leave of absence, marks the culmination of an episode in the Law School's history which has greatly interested all Pennsylvania men. An element of tragedy discernible in the situation, serves but to deepen the interest.

"That a man holding the principal administrative position in a great law school, a position the occupancy of which constitutes him as its representative and spokesman—a man of high reputation in his profession, of distinguished services to the University, to which he is tied by bonds born of long association and devoted attachment—that such a man, so situated, should become the ardent and active advocate of a political movement which fathers radical changes in our existing institutions, especially alterations in judicial procedure of a character repugnant to the legal profession, naturally creates a situation anomalous and full of embarrassment. The distinguished national leader of this political movement has been conspicuous in his attacks on the courts in cases where their decisions were antagonistic to his views, and has not hesitated to use his great influence to undermine the authority of the judiciary, and to weaken the respect in which they are held. The Law School of the University is a place in which, to a greater degree than elsewhere, the belief in the sanctity of the courts, the traditions of Anglo-Saxon jurisprudence, the appreciation of the immense importance of a free, uninfluenced judiciary, the respect and veneration for the law and the instrumentalities of the law, are supposed to have their abiding place. To witness

the Dean of such a school follow the leadership and embrace the doctrines referred to is calculated to provoke feelings akin to dismay.

"We hope that the scope of our criticism will not be misunderstood. . . . The *Register* has recently stated its view of the University's duty in such cases. It realizes that she must maintain a position of dignified silence. It is our hope that Dr. Lewis may return at the end of his sabbatical year, so mentally and spiritually in tune with the great traditions and the exalted mission of his profession, that he may sit on the faculty of the Law School as one of its most useful members.

". . . Our Law School should inculcate in the minds of its students a spirit of respect for the fundamental principles that have developed with our social structure, and which form the bases on which it rests—a spirit of reverence for the great charters of our liberties, and a determination, as members of that great profession to which this duty peculiarly belongs, to defend and uphold these blessings against attacks of any nature. . . ."

AN EDITORIAL.

(From the *Sacramento Bee*.)

And what a pitiful education these Trustees would seemingly give the Pennsylvania youth!

Of mathematics the young men could drink deep; all the mysteries of Latin and Greek could be deeply probed; the fullest details of Cæsar's campaigns could be stored away; the past could be fully weighed and studied.

But over the good and evil of our present days, these men would draw a curtain. The students would be lulled to a satisfaction with things as they are, budding thoughts of changes and reforms stifled. . . .

CHAPTER V.

The Relation of Professor to Trustee.

11. THE "EMPLOYEE" IDEA.

An editorial in the February, 1914, number of the *Alumni Register* is entitled "The Professors' Union":

"The hysteria of forcing people to do things has struck the college professors. There has been much in the public prints recently of their forming a 'union' to force the right of free speech and to maintain the security of their positions under all circumstances. There is talk of their cowardice in surrendering to the views of trustees and rich benefactors in their teaching. Perhaps the sympathy of the President, himself a pedagogue from our sister University of Princeton, will be enlisted in order that they may be safeguarded from legal penalties along with labor unions and farmers' alliances. It is a curious development for those of high education, rare culture and sound minds to catch the popular desire for the employed to manage the employers, and to attribute to distinguished gentlemen of character and ability qualities which are the creation of the ordinary popular hysteria. It seems simple and elementary to believe that a man should do the things he is employed to do and for which he accepts remuneration. In better times men performed their obligations and lived up to their contracts as matters of honor. If these become at variance with their consciences they are at liberty to resign. Our educators as well as our trustees should bear in mind that they have a solemn and serious responsibility for the training and direction of youthful minds who are to form the ethics and politics and prosperity of the Republic.

". . . The mania for making laws to reform the universe has been unbridled without regard to the economic fallacies involved in the proposed statutes. Laws to regulate wages and the hours of labor have disregarded the law of supply and demand, and with the attacks upon railroads and other public service corporations have had the opposite effect upon the high cost of living from what was intended. . . . We should look to our seats of higher learning to educate men to meet these problems with balance and a wisdom just to all. Their solving is not easy or superficial or quick and it is a courageous thing for the trustees of a university to stand firm for sound thought and a guarded education in these crises as against the whim of popular fancy. We believe that the Trustees of this University are so courageous, although they have felt no occasion to display it. After having selected a man to teach a subject it is obvious that they would not hamper him, and no discussion or suggestion of any limitations in this regard has ever been before the Board. Its members are of proved attainments, and immature instructors will do

well to seek their advice in order for their help rather than assume an attitude of antagonism and infallibility which only makes them ridiculous.

"It is acknowledged that many college professors are underpaid, although their hours of work in a year and causes of worry are less than the average worker. They are, however, in a splendid company with the officers of the army and navy and the legion of servants to the altruistic organizations of our time. Boards of management give them all the money they can get, which is all they can do, and if they had to leave the academic seclusion of the class room and go out and meet the yearly deficit or hustle for a living, they would realize the difficulties in the way and understand social and economic problems from a more practical business viewpoint.

"In business life a man succeeds because he sticks to his own job without trying to boss or instruct other work for which he is not particularly fitted. Thus he makes himself so valuable to his employers that they cannot afford to lose or hamper him. . . ."

In "Editorial Comment," referring presumably to Professor Muensterberg, the *Alumni Register* for November, 1914, says, under the heading "Violating Neutrality":

"There has been a stir in the newspapers about a professor at Harvard University whose alleged violation of neutrality was the cause of considerable objection among the friends of that ancient seat of learning. The learned man whose natural enthusiasm was the cause of this disturbance has wisely resigned from the Faculty and by this evidence of delicacy and unselfishness has proved himself a gentleman as well as a scholar. We suppose every college at some time suffers from the immature or injudicious utterances of Faculty members either in public or in the classroom. These are generally caused by and tinged with a conviction of infallibility. Youthful enthusiasm or scholastic seclusion has not brought to their equipment a varying and broad experience in the affairs of life necessary to poise and good judgment. Can they not accept the honest advice of men who are familiar with existing conditions from first hand experience before they wander from the fundamental and established principles of their subject?

"Trustees have a very sacred trust to administer when they accept the confidence of parents that they will select teachers who are capable and sound scholars. It would be very well too if they were always gentlemen in the sense that the Harvard professor was one and display the delicacy and decency of withdrawing rather than cause embarrassment to a great university."

This is immediately followed by a long editorial on "Free Speech Again." It begins, "We are glad to hear of the promotion of Doctors King and Nearing. Each now becomes Assistant Professor, ascending from the position of Instructor. This act is the University's answer to the agitation last winter regarding the utterances of these gentlemen. Instead of being discharged they are promoted. The great principle of freedom of thought and speech is again confirmed at the University.

"This is quite as it should be. . . . A man's sense of fairness teaches him that he should not compromise the institution of which he is a part.

By employing him, the University places her reputation in his hands. He becomes in a sense her spokesman. The realization of this fact should have and probably always have, a sobering influence. Morally, the man who joins an institution thereby relinquishes his right to complete freedom of speech. If the occasion should arise in which he thinks outright speech of a kind to embarrass the management of the institution, is of greater importance than his connection with the institution, he should at once resign his position in it. The responsibility of judgment in such a case lies with him. His sense of the fitness of things, his tact, his intuitions must be depended on to set the limits to what he may properly speak or publish so long as the relation continues.

"But the responsibilities in this connection do not rest entirely on the shoulders of the professor or instructor; they must be borne also by the University. She should exercise the greatest care in selecting the men whom she employs. Realizing that the great principle of freedom stands as a bar to the punishment or discharge of an employee because of his indiscreet speech,—that in accepting him she takes him as it were for better, for worse,—she should, by careful inquiry, satisfy herself that the mental attitude of the applicant is such that he will not be liable to assume, on controversial questions, a position that will prove to be embarrassing. . . . A great university, with catholic impartiality, should provide facilities for the expounding of every sort of theory of government or politics. . . . By all means expound the radical doctrines, but do it so that they do not over-top those of a more conservative character. . . ." "The established order of society has an underlying philosophy, deeply grounded in human nature and the constitution of things, embodying the great principles of liberty and justice, of stability combined with healthy progress, that have developed with our civilization. . . . The University cannot afford to maintain a school that over-develops the radical tendencies. She should see that each professor or instructor of the radical type is offset by one capable of attractively presenting the doctrines and theories of conservatism."

12. THE UNIVERSITY: AN ASSOCIATION OF SCHOLARS.*

Before the discussion of Professor Nearing's abrupt dismissal from the Wharton School faculty is laid aside for the summer months, to be reopened in the fall on the assembling of students at the University, and awaiting concerted action of professors at this and other universities, I would like to state the position of a member of the University faculty, so as to hold it fast against misrepresentation.

No one asks that the appointment of an instructor at the University of Pennsylvania shall be for life and not subject to removal by action of the board of trustees. Any professor at the University of Pennsylvania can be removed in about a month's time, but his removal may not be proposed and acted upon at the same meeting, and the by-laws of the corporation provide that he is entitled to know and answer the causes assigned for his removal.

In the case of assistant professors and other instructors, however, the board of trustees interprets the annual appointment so as to give it power to dismiss by the summary process of failing to appoint, without a statement of the cause.

Professor Nearing's dismissal took place after many years of discussion and after he had been advanced last year to an assistant professorship, despite much hostile criticism. The abrupt letter of dismissal was sent by the board through the provost directly to Doctor Nearing before any notification that such action had been accomplished or even contemplated was conveyed to the dean or the faculty, which had unanimously recommended his reappointment. Whatever the causes of this action may have been, this exercise of arbitrary power by the board of trustees has the effect of a vote of lack of confidence in the Wharton School faculty, of which Provost Smith himself is a member.

Appointment to an office of instruction at the University of Pennsylvania does not make the instructor a personal employee of the trustees nor is the instructor in the pay of the board. **Trus-**

* The *Public Ledger* and the *North American*, 7/3/15.

teeship, in contradistinction to private ownership, constitutes the board of trustees a "social agency," through which state and private philanthropy maintain a group of learned men to investigate facts, to arrive at opinions, to teach and to bring forth the results of their researches for the benefit of society.

The instructor says "thank you" to the board of trustees for his salary in the same spirit of courtesy with which he thanks the teller of the bank who cashes his check or the postman who hands him a letter. For this reason certain members of the Wharton School faculty were persuaded not to resign, but rather to contest as a public duty the action of the board of trustees in refusing to approve their recommendation of a candidate for office without assigning any cause for such refusal. Whether the cause be finally stated or not, in this and all other cases of serious dispute between trustees and a faculty over an appointment, an appeal can properly be brought before the court of public opinion, or directed to the governor of the state, who is president of the board of trustees.

In the words of Governor Brumbaugh's inaugural address—"Surely the supervision of the state should follow absolutely its gifts. The state can afford to be generous only when it is just."

It must be admitted that the position of the trustees in the face of conflicting opinion is often a difficult one. It is never pleasant to be on the firing line, and trustees are doubtless too often disturbed by just and unjust complaints of the sayings and doings of instructors, for some people think it their duty to write personal letters to members of the board whenever they happen to see even a dirty window. Nevertheless it should be considered a special privilege of the board of trustees to be on the firing line in defense of our institution.

It has always been the high privilege of the learned profession to brave special interests and even at times the "ethical sense of the community." At one period in history it was a difference of religious opinion which constituted the firing line. "The first really modern university," to quote the words of a historian of education, "was created because a professor sought to free education from sectarian influence and control, and was driven in consequence from the University of Leipsic. Although

in peril of his life during the religious wars of Germany, Thomasius told the few students who would listen to him, "I now see that any being gifted by God with reason sins against the kindness of his Creator when he allows himself to be led like an ox by any other human being." A Prussian king, such is the irony of history, then asked Thomasius to organize the University of Halle, derided by the religious fanatics of the time as "the University of Hell."

An instructor of mathematics can now teach his subject without exciting the hostile criticisms of political, social or sectarian convictions. At various times in the history of the world, now one subject, and now another becomes the target of acrimonious discussion. Today it is sociology and political economy which put their representatives on the firing line of conflicting interests.

The traditions of the University of Pennsylvania identify our Alma Mater with honorable victories won for freedom of opinion and expression. I would have every loyal Pennsylvania man read Mr. Choate's tribute to the heroic figure of our founder, Benjamin Franklin, as he stood in the cockpit of the privy council, protesting against the arbitrary power of the British government. Although an employe of that government, he nevertheless represented the conflicting interests of the American colonies, and in consequence, was summarily dismissed from his office of deputy postmaster general. His bearing on that occasion succeeded, such is Mr. Choate's opinion, in "casting into the shade of oblivion all those who joined in the assault upon him."

Another example for our students and alumni was the first provost of the College and Academy of Philadelphia, who was called before the bar of the house of assembly, charged with aiding and promoting the writing and publishing of a libel; convicted thereof, and sentenced to the Walnut Street Jail. To show that revolt against the arbitrary power of partisanship and sectarianism is indeed the "Pennsylvania" spirit, I quote this entry from the minute book of the board of trustees, under date of February 4, 1758, following Provost Smith's incarceration:

"The Assembly of the Province, having taken Mr. Smith into custody, the trustees considered how the inconvenience from thence arising to the college might best be remedied; and Mr.

Smith having expressed a desire to continue his lectures to the classes which had formerly attended them, the students also inclining rather to proceed in their studies under his care, they ordered that said classes should attend him for that purpose at the usual hours in the place of his present confinement."

As the opposing forces of academic freedom and reaction align themselves for the prolonged battle of which the present issue is only the opening skirmish, we would like to see our provost take his stand on the firing line with his colleagues. He is one of us, a professor of chemistry, a man of science of the first distinction, a member of the very faculty whom the board of trustees insulted by their action. Although he is provost, he is not a member of the board of trustees, and while he may not inform us of the board's position, he is free at least to state his own convictions. He is not the attorney of the board of trustees; he represents the faculty before the trustees just as Franklin, although an appointee of the British government, represented the American people before the privy council in England. The very charter of the University expresses this representative character of the provost's office in the following words:

"The provost and vice-provost, or the principal officer or officers of the faculty, by whatever name or names they may be called, shall be chosen from among the professors so appointed."

Whatever stand Doctor Smith may take, we know that his action will be inspired by his love for the University of Pennsylvania, and by his high sense of personal responsibility. If the integrity of the University is really threatened by the arbitrary power of special interests, as report would have it, should the loyalty of our provost, who represents the profession of learning and teaching, go to its board of trustees and not rather to the ideals of truth, freedom, and justice on which the institution was founded? And where do our alumni stand? Can loyalty to Alma Mater support a board of directors of the general alumni society, who undertook through the "Alumni Register" a campaign of contempt and disparagement toward professors as a class?

CHAPTER VI.

Alumni Support of the Board of Trustees.

13. "WE THE ALUMNI."

(From the *Philadelphia Inquirer*, 6/18/15.)

Mr. Nearing has been the leader of a group of professors who have been accused of socialistic teachings. Friends of these professors charged the existence of a plot to block their advancement in place and salary as customary with all other instructors in the institution. About six months ago it was announced that a committee of the trustees had taken up the subject of the limitation of the liberties of speech of its professors and investigation of the proper relations of teachers. The opposition took the most concentrated public form at the General Alumni Society meeting at what was called the first alumni day in April, when a committee headed by Thomas S. Gates suggested as follows:

"The committee takes this occasion to place itself on record as squarely opposed to the use of the fair name of the University as a point of vantage for utterances foreign to the scheme of its teaching and ideals in education, and recommends that where such members of the teaching staff are not willing to subscribe to its policies their services should be dispensed with."

(From the *Public Ledger*, 6/19/15.)

ALUMNI SOCIETY AGAINST RADICALS.

It was suggested that the action of the board of trustees may have been due, in part, to the report of the committee of the General Alumni Society on the Wharton School.

Many officers of the society are known to have been displeased with some of Doctor Nearing's utterances, and his dismissal is believed to meet with their satisfaction.

Murdoch Kendrick, a director of the society, in a statement to the PUBLIC LEDGER said:

"I don't know whether or not Mr. Nearing discontinued his relation with the University voluntarily or involuntarily. But I am glad that his official relation has been terminated.

"I believe fully in the right of free speech for every individual, but this should be limited when a person is in any representative position.

"No one would have been interested in Mr. Nearing's personal views if he had not been connected with the University. He should have limited the expression of his views, so that the University he represented would under no circumstances be held responsible for them.

"Mr. Bryan is the most recent and forceful example of those who maintain that the right of free speech should never be abridged."

(From the *Public Ledger*, 6/23/15.)

Special Telegram to Public Ledger.

NEW YORK, June 22.

Some of the leading University of Pennsylvania alumni in this city do not appear eager to enlist in a movement for Prof. Scott Nearing's reinstatement.

"You may be assured that the trustees had a good reason for dismissing Nearing," said William A. Redding, president of the General Alumni Society of the University and president of the New York Alumni Association.

"I am in favor of freedom of speech but not license," he continued. "At Philadelphia, as in every other university, we find two factions on this question. The radical minority would say to our six hundred professors and instructors: 'Speak out,—say anything you like—express your own opinions on all questions regardless of what the university stands for.' That's one view. More conservative men like myself would say: 'Yes, speak freely about questions of the time which pertain to the subjects you teach but don't go out of your way to engage in controversial matters wholly outside of university affairs.' That is freedom of speech without license.

"It is very clear in my mind that there must be some limitation to the freedom granted to instructors, particularly if they are expressing opinions on fundamentals of religion or morality."

William Guggenheim, of Guggenheim & Co., treasurer of the local Pennsylvania Club, said that he would prefer to reserve comment until all the facts were before him.

"This is the principle at stake," he explained. "Can the trustees of a university exercise any control over professors and instructors in the matter of free speech? I should say at once, on general principles, that of course they can. If, in their judgment, certain utterances are harmful to the institution, then it is their duty to dismiss the man who made those utterances. The trustees are liable to be the best judges of what is best for the university."

(From the *Public Ledger*, 6/25/15.)

The *Alumni Register*, in its June number, issued yesterday, also refers to the Nearing case, but not by name, and expresses confidence in the trustees. The *Alumni Register* quotes from the *New Republic*, which it says is published by "a few ardent young men in New York." The *Register* adds:

"It has a catchy name and is filled with radiant phrases, but it is so new that it has not learned as yet of the passing of the muckraker and the doctrinaire. In the issue of May 22, 1915, there is an attack upon the trustees of the University couched in the well-known language of this rhetorical class. All the catch phrases are there—'plutocracy,' 'freedom of speech,' 'ruling class,' 'the whole people' and the rest. After declaring that their honesty is not to be impugned or their technical capacity denied, the editorial thus described the institution which the men it criticises have created: 'The University of Pennsylvania has made rapid progress in the last generation. . . . It has improved its curriculum, liberalized its teaching, and in a moral

as well as in a material sense placed itself among the leading universities of America.' "

The *Register* then makes this comment:

"The alumni can rest assured that the gentlemen who have accomplished this happy achievement can be trusted to further distinction. They can even be encouraged by our help and confidence."

(From the *North American*, 7/3/15.)

The following statement, regarding the dismissal of Doctor Nearing, was issued yesterday by some members of the General Alumni Society:

"The Nearing case has been so presented to the public as to appear to be a case involving the right of a University teacher to free speech. Freedom of speech, however, is not the real issue in this case. The question is one of Doctor Nearing's personal fitness for the position he occupied.

"The right to freedom of speech, restrained by common sense and common decency is a right to be cherished, and is a right that has never been trenched upon or abridged by the University of Pennsylvania. There are certain recognized limitations of this right; we know of no better statement of them than that made by Professor Schelling in his recent commencement address at the University:

" 'In this right of independent thought and liberty of speech there inheres in the case of the teacher also a similar obligation to that which limits all freedom; the obligation that that freedom be exercised in absolute regard for the rights of other men. If, then, it shall be the high calling of any one of you to teach, to give to others knowledge out of the fulness of your own, do not carry on your further education in your classroom, trying experimental ideas on those who have as yet no critical basis by which to test the efficacy of your thought. Do not seek repute by astonishing, untested theories which may attract attention peradventure as much to your precipitancy as to your ignorance. . . . It is not among the privileges of the teacher to be banal or vulgar.'

"The rules which Professor Schelling so stated were clearly violated in and out of the University by Doctor Nearing, whose intemperate, persistent and astonishing expressions of untested theories, and whose unrestrained condemnations of institutions and rules which form the basis of civilized society, passed the most generous bounds of free speech allowed by any institution, and gained for Doctor Nearing a notoriety and a discredit which reflected upon the University. The alumni could not fail to perceive this situation and many of them have thought the trustees were slow in severing a connection that subjected the University to continual criticism.

"At a meeting of the board of directors of the General Alumni Society, held on April 9th, a report of the committee on the Wharton School was unanimously approved and sent to the trustees of the University. This report contained the following statement:

" 'To the admirable and efficient administration of the dean of the department there is, however, one discordant note, viz., the tendency on the

part of a certain element in the teaching staff to seek publicity by discussions of various public topics in a manner which is likely to arouse class prejudice and fallacious conclusions based upon a biased attitude of mind, and often an imperfect representation of the facts. Such public utterances, coming, as they do, under the cloak of the authority of the University of Pennsylvania, have subjected the institution, and particularly the department from which they emanate, to severe and just criticism. The committee has noticed, moreover, a tendency to carry these impressions into the classroom by certain inquisitorial examinations into the social conditions surrounding the homes and families of the students.'

"The board of trustees is charged with the ultimate responsibility of determining the personal fitness of the members of the teaching staff, and only by a wise and courageous exercise of their responsibility can the dignity, usefulness and sound standards of scholarship of the University be maintained.

"The character and standing of the board of trustees, as well as the known divergence of views among them on economic questions, are a sufficient guarantee that in their action, with regard to Doctor Nearing, they were not responsive to any pressure from any class or kind of outside interest.

"In dispensing with Doctor Nearing's services, we believe that the trustees have expressed and given effect to the judgment of a large majority of the members of the University faculties, of the students and of the alumni."

This is signed by—

George Quintard Horwitz, '86 C., '88 L.
 William Campbell Posey, '86 C., '91 M.
 T. Truxtun Hare, '01 C., '04 L.
 Murdoch Kendrick, '93 C., '96 L.
 Adolph G. Rosengarten, '92 C.¹
 Charles L. McKeehan, '97 C., '00 L.
 Owen J. Roberts, '97 C., '00 L.
 Henry W. Moore.
 Isaac A. Pennypacker, '02 C., '08 L.
 Charles Sinkler, '93 C., '96 L.
 Frank Smith.
 Thomas B. Prichett, '78 C.
 John Arthur Brown, '05 C.
 Robert T. McCracken, '04 C.
 W. Hobart Porter, '04 C.
 John Blakely, '95 C.
 W. Griffen Gribbel, '04 C.

F. Warren Marshall, '05 C.
 William Brown, Jr., '03 L.
 J. Warren Coulston, '90 C.
 John Cadwalader, Jr., '93 C.
 Frank S. Evans, Jr., '01 C.
 Edward Ilsley, '85 C.
 Walter Rowland, '91 C.
 James Starr, '91 C.
 G. Herbert Taylor, '95 C.
 George C. Stout, '91 M.
 Carl N. Martin, '96 C.
 Ryland W. Greene, '92 C.
 C. R. Maguire.
 J. C. Murtagh, '04 C.
 Garrett A. Brownback, '08 C.
 W. W. Montgomery, Jr., '98

(From the *Public Ledger*, 7/9/15.)

To the Editor of Public Ledger:

SIR—A few days ago there appeared in your columns a statement from certain alumni of the University of Pennsylvania approving the action of the board of trustees in eliminating Dr. Nearing from the faculty of the Wharton School. As the ideas expressed do not in the least agree with the sentiment

of many other alumni of my acquaintance it seems quite possible that only a very limited Philadelphia coterie is represented by this document, and not the graduates of Pennsylvania in general. What I have heard about the circulation of this statement for signatures leads me further to the belief that the prime mover, if not the originator, is Mr. Isaac A. Pennypacker, the same gentleman who for some time past has been conducting a vigorous campaign against several progressive teachers of the University through the medium of *The Alumni Register*. Mr. Pennypacker is nephew to one of the trustees, is active in organization politics and first appeared in public print in ardent opposition to those denouncing the State Capitol scandal when that malodorous affair was of nation-wide comment.

On going through the list of these thirty-two signers of the statement, I find that fully nineteen are lawyers, four of these being from the office of Mr. Owen Roberts, formerly the appointee of John Weaver; four are in the banking and brokerage business; two have their main interests in coal; one in supplies for the coal companies, one in supplies for our gas company, and one more is in the employ of a public service corporation. This leaves but four whose business affiliations would not obviously tend to make them hostile to any one who attacked modern economic conditions.

The public has shown considerable doubt as to the disinterestedness of the trustees in ignoring the unanimous recommendation of the Wharton School faculty in favor of Dr. Nearing; as an alumnus I am eager not to share in this doubt, but their refusal to explain their action makes it very difficult, and the support of these alumni makes it almost impossible.

L. B. HOLLAND, 1902 C.

Philadelphia, July 7, 1915.

14. THE SUPPORTING ALUMNI.*

"We, the alumni," 33 of them, have signed the following statement: "In dispensing with Doctor Nearing's services we believe that the trustees have expressed and given effect to the judgment of a large majority of the members of the University faculties, of the students and of the alumni."

As the alumni of the University number 20,000, the 33 signers constitute 16 hundredths of one per cent of the alumni. Of these 33 signers, seven are on the board of directors of the General Alumni Society, which conducted the campaign to bring professors as a class into public disrepute and issued the report culminating in Doctor Nearing's abrupt dismissal by the board of trustees. Of the 26 alumni who are not thus indorsing themselves, four are in a single firm of corporation lawyers more or less closely affiliated with a corporation lawyer on the board of trustees. If we eliminate from the 26 all those constituting an interlocking group of corporation attorneys, relatives of trustees and "Mask and Wiggers," there remain five or six whose associations are unknown to me, constituting 3 hundredths of one per cent of the alumni, which latter figure may be taken for the moment to represent the weight of personally disinterested alumni opinion supporting the board of trustees in their recent action.

The board of directors of the General Alumni Society and the several committees organized and appointed under the direction of this board comprise 77 persons. Of these, seven are signers of the statement quoted above and 70 have failed to sign. After several weeks of discussion, 10 per cent of the officials of the General Alumni Society publicly support the action of its board of directors and 90 per cent do not.

From these statistics the public may judge how much truth there is in the statement of the 33 signers that the recent action of the board of trustees expressed and gave effect to the judgment

* *The Public Ledger* and the *North American*, 7/8/15.

of "a large majority of the alumni." As to the faculty, I believe the public now has the right to ask just how many "members of the University faculties" are known to support their statement. I do not know a professor or other instructor in the college faculty who does not resent the recent action of the board of trustees, and I do not except Professor Schelling, from whose commencement day oration an excerpt was taken to give a false color of support to the personal opinions of the 33 signers.

I have heard a member of the board of directors of the General Alumni Society assert the right to eradicate from the University all opinions on economic, legal and social topics considered heretical by the directors. The board of directors of the General Alumni Society do not take kindly to the thought that a determined minority will often seize an organization and then proceed to misrepresent the general group of which they are but a small part.

With kindly condescension, I was recently told that my attitude on the Nearing question is due to my intellectual limitations as a schoolmaster. I suspect, however, it is not the limitations of schoolmasters which offend, but the growing recognition of the value of their services to the public, for as a corporation attorney and trustee of the University of Pennsylvania once so justly said, **"We have arrived at the opinion that professors are the most dangerous class in the community."** A schoolmaster is now President of the United States and another schoolmaster is Governor of the Commonwealth of Pennsylvania. An ex-President of the United States is now performing the functions of a schoolmaster at Yale University. Schoolmasters appear to be supplanting lawyers in the ranks of statesmen. The anti-social attitude of some members of the legal profession is not only subjecting the entire profession to unmerited criticism, but is acting upon the minds of students, to deter them from entering the profession of law. The last report of the Carnegie Foundation shows that whereas the population has increased 21 per cent during the decade 1900-1910 and while the professions of medicine and the ministry have increased by about 20 per cent, the legal profession has been increased during the same period by only 6.7 per cent. **If some corporation attorneys justly represent the fixed opinion of corporation attorneys as a class, then we "pro-**

fessors as a class" hail "corporation lawyers" as the common enemy, the most serious menace to intellectual liberty and the social welfare of this country today.

When all the cards are laid on the table and the game is won by the loyal alumni and others, who will rally to the support of academic freedom at their Alma Mater, a tablet should be erected on the campus of the University of Pennsylvania, upon which may be inscribed:

HIC JACET
 IGNORANCE
 STUPIDITY
 INTOLERANCE

Which Alma Mater could not eradicate from the hearts and minds of some of her sons, so that they once turned upon her, and threatened to destroy her.

Erected by loyal Alumni to bear witness in the sight of students at the University of Pennsylvania, that Tolerance of opinion and speech, Truth and Justice, are the foundations upon which we have built and will maintain this institution of Learning and Teaching.

CHAPTER VII.

The Alumni Register Campaign.

15. A SALARY QUESTION.

(From the *Philadelphia Inquirer*, 7/18/15.)

Criticisms of the action taken by the University of Pennsylvania in liberating Dr. Scott Nearing, of the Wharton School, at the end of his contract with the University, were replied to yesterday in part by John C. Bell, former Attorney General of the State of Pennsylvania and a present member of the University's Board of Trustees.

For some time past it has been reported that the Board of Trustees, at the end of Dr. Nearing's tenure, had arranged to allow him a year's extra salary at the time of his leaving the institution. Mr. Bell admitted yesterday that this was so, and when pressed acknowledged that a resolution to that effect had been introduced by himself at the board meeting, at which action was finally taken upon the Nearing case.

"It is true," said Mr. Bell, "that the resolution was introduced at the meeting, and that it was introduced by me. It met, however, with opposition from Board elements friendly to Dr. Nearing, upon the plea that to offer him money would be to convey an insult.

"The resolution, then, was, of course, withdrawn. But the Provost of the University was authorized to pay Dr. Nearing the additional year's salary."

Mr. Bell declined to say who among the board members opposed his idea; belief is general, however, that the objection came from Wharton Barker, former Populist candidate for President.

Feeling that the University had justified its moral action toward Dr. Nearing prevailed yesterday among alumni of the University when the fact became known. It was held that the University had always been within its strict legal rights in terminating the contract and that the "moral question" of dismissing Dr. Nearing at the end of the college year, with possible unemployment confronting him, had amply been taken care of by the offer of extra salary.

Isaac W. Pennypacker, an attorney and an officer of the society, said, in effect:

"While I had no definite knowledge of the University's action, I had been led to believe that Dr. Nearing would not have been dismissed in the abrupt fashion accredited to the institution. No criticism of Dr. Nearing came from the University, and there was no intention of treating him with harshness, even if it had been felt there was occasion for it. I think the University's position has been in many ways misunderstood.

"The 'campaign of contempt' against professors charged to it, in my opinion, is unjust, and persons who have fluctuated between the legal and the 'moral' phases of Dr. Nearing's case have alike been guilty of hasty judgment. The law in the matter has already been explained by Mr. Bell, and the University's moral duty has, in the minds of many perfectly sincere persons, been discharged by this offer to Dr. Nearing—to provide him with means to tide over any lapse between University engagements."

With the caption, "Report of the Directors of the Alumni to the Trustees of the University," in the May, 1915, issue of the *Alumni Register* appears a letter signed J. G. R., '52 C., the initials and class of Mr. J. G. Rosengarten, a trustee:

"Editor of Alumni Register.

"For years the University has appealed to the alumni for much-needed help. Now that the second report of the united alumni is submitted to the trustees and to the University and the great body of teachers and students, its recommendations are scouted at. The students of the Wharton School protest against those of the Alumni Committee on that department, and insist on free speech as the privilege of its faculty. The very temperate recommendation of the Alumni Committee, of which Mr. Thomas S. Gates was chairman, simply called attention to doubtful public utterances on questions of the day, made by members of the faculty of the Wharton School in a manner to invite public criticism of the University for such statements. If the help of experienced alumni is to be of any service, it must be by just such measured judgment as that expressed in guarded and well-weighed terms by the Committee on the Wharton School. Mr. Gates holds an important and responsible position as the head of a great trust company, and his opinions as to the abuse of a place in the University faculty by men who spread false doctrine and arouse class prejudice and fallacious conclusions, well represents the objections of the intelligent public to the utterances for which the University is made responsible. Nobody cares much for itinerant lecturers who seek notoriety by exaggerated statements and appeals to popular passions and prejudice, but every one really interested in the welfare of the University does object to its name being thus abused before the public.

"Joseph Wharton founded the Wharton School of the University to train men for business. It is unfair that teachers benefiting by his generous endowment should forget the directions he gave for carrying out the purposes of his gift. Much of the good he aimed at for students and the public is lost when men holding teaching positions in the Wharton School introduce there doctrines wholly at variance with those of its founder and go before the public as members of the Wharton School faculty and representatives of the University, to talk wildly and in a manner entirely inconsistent with Mr. Wharton's well-known views and in defiance of the conservative opinions of men of affairs. The University suffers in the eyes of its alumni and the public for allowing such abuses. No one wants to restrain the public expression of doctrines and opinions, no matter how much he may deprecate them as

unsound, but every right-minded alumnus must endorse the statement made for the Committee on the Wharton School by its chairman, Mr. Gates, that 'it places itself on record as squarely opposed to the use of the fair name of the University as a point of vantage for utterances foreign to the scheme of its teaching and ideals in education, and recommends that where such members of its teaching staff are not willing to subscribe to its policies, their services should be dispensed with.' The reports of the committees of the General Alumni Society on the other departments of the University are all deserving careful consideration of the recommendations made in them. Trustees, professors, deans, even the Provost, with his constant and watchful supervision of the great and growing University, may well accept gratefully the help of the alumni and give careful consideration to the report and recommendations of its representatives embodied in this last word. While the University is steadily growing in numbers and strength and importance, it needs the sympathy and support of its alumni and the opinions of its committees are entitled to careful consideration. Action on them may well be taken by the University authorities after discussion, and thus the alumni may take at Old Penn the important place long since given to those of Harvard and Yale, Princeton and Columbia.—J. G. R., '52 C."

16. THE COOPERATION OF DIRECTORS AND TRUSTEES.*

Former Attorney General John C. Bell, a trustee of the University of Pennsylvania, and Mr. Isaac A. Pennypacker, of the board of directors of the General Alumni Society, join in making public in the Sunday edition of the Philadelphia *Inquirer* that certain trustees were willing, perhaps even anxious, to send Doctor Nearing off with a year's unearned salary in his pocket. I do not know of my personal knowledge that the board of trustees has offered Doctor Nearing a year's extra salary, or that this offer has been refused. My personal acquaintance with Professor Nearing has been limited to casual conversations, and I have had no communication of any kind with him or with any person authorized to represent him for the last six months.

I have been told, however, by a colleague, that the Wharton School faculty have agreed to guarantee Doctor Nearing a sum equal to his salary if he should prove to be in need of financial support. Mr. Bell may be correct in saying that board elements favorable to Doctor Nearing opposed granting him a year's extra salary on the plea that to offer him money would be to convey an insult. Doctor Nearing's friends probably ask for justice, not charity. Will Mr. Bell, however, tell us whether another and more cogent argument was offered at the same time, namely, that to vote Doctor Nearing a year's unearned salary would stultify the board of trustees before the public, since they claimed to be removing Doctor Nearing from his assistant professorship for cause?

The simultaneous utterances of a trustee and of a director of the General Alumni Society disclose a curious situation, revealed perhaps more plainly in the pages of the *Alumni Register*.

Mr. Isaac A. Pennypacker, an attorney and a member of the board of directors of the General Alumni Society, said in the course of the statement mentioned above, "I had been led to believe that Doctor Nearing would not have been dismissed in the abrupt fashion accredited to the institution." Mr. Pennypacker believes that the University's moral duty has been discharged by the supposed offer of the trustees to provide Doctor

* From the *Public Ledger* and the *North American*, 7/23/15.

Nearing with the means to tide over any lapse between university engagements, and ex-Attorney General John C. Bell informs us that he introduced at the meeting which abruptly dismissed Professor Nearing a resolution to grant Doctor Nearing a year's extra salary. Recently a member of the reactionary clique of local alumni, not a trustee, volunteered in the course of conversation this amazing statement, "We were willing to give Scott Nearing a year's extra salary." **Are the relations between certain members of the board of directors of the General Alumni Society and certain members of the board of trustees of the University of Pennsylvania so intimate that alumni directors may assume to dictate, or at least to predict, the future action of the board of trustees?**

The editorial and other utterances of the *Alumni Register* in the last two years point to the existence of a determined plot to undermine the position and influence of the faculty on the one hand, and on the other to encourage trustees to assert the right of arbitrary dismissal of such members of the teaching staff as, in the language of Mr. Thomas S. Gates, "are not willing to subscribe" to certain policies. I do not know whether this plot was consciously formed and intentionally carried forward to its recent culmination in Doctor Nearing's dismissal, or whether it presents only the natural co-operation of men who happen to think alike.

On this point Mr. Isaac A. Pennypacker is best able to give us information. Even as early as the time when he was secretary of the General Alumni Society and managing editor of the *Alumni Register*, there appeared in the *Alumni Register* a definition of academic freedom, which relates that "the false in medicine, in engineering, in science, in law must be stamped as error so plainly that the student cannot miss his way;" and again, students should not be encouraged "to view black as white, vice as virtue, delusion as fact." Over his own name as secretary, Mr. Pennypacker tells us that the tendency to look for income from the commonwealth of Pennsylvania is "dangerous," because the University will be expected to return for its income practical services, in connection with the application of learning, "more appropriate to a general utility department of a governmental unit than to an academic institution."

In the reorganization of the board of directors of the General Alumni Society, effected in June, 1912, several members of the board of trustees took part. The fall of 1912 discovered Mr. Horace M. Lippincott as secretary of the board of directors and editor of the *Alumni Register*, and we find trustees and professors from that time on excluded from membership in the board of directors of the General Alumni Society. The effect of this was to separate the directors entirely from faculty influence and support. Did it, however, separate them from trustee influence and support?

Mr. Isaac A. Pennypacker remained a member of the board of directors and an editor of the *Alumni Register*. His uncle is a trustee, ex-Governor Samuel W. Pennypacker. Does the nephew's qualification to sit on the editorial board of the *Alumni Register* as a judge of economic orthodoxy reside in this relationship, or in the diligent and successful pursuit of economics and social science during his college course?

Mr. Murdoch Kendrick, another member of the board of directors, is an attorney closely associated with ex-Attorney General John C. Bell, a trustee. Mr. William A. Redding, president of the General Alumni Society, is also an attorney, a former partner of Mr. J. Levering Jones, another trustee. Mr. William J. Serrill is an employe of the United Gas Improvement Company, of which a trustee, Mr. Randal Morgan, is vice-president and general counsel; and Mr. Thomas S. Gates, in view of his personal relations with Mr. E. T. Stotesbury, a trustee, represents the alumni with no more propriety than he represents the city's interests on the board of directors of the Philadelphia Rapid Transit Company. Whether the "*Alumni Register* campaign" originated within this group of alumni, or whether it was initiated by the board of trustees, it is quite clear from the pages of the *Alumni Register* that it threatened to come to a head over the case of Dr. William Draper Lewis, dean of the Law School, who is subjected to grossly abusive editorial criticism in the December, 1914, number of the *Alumni Register*.

Failing to "get" Dean Lewis, the *Alumni Register* schemers were ready to accept a victim from some other faculty. In reporting the second annual conference of Associated Pennsylvania Clubs, held in Chicago, June 11 and 12, 1914, the reporter, whom

I surmise to be Mr. H. M. Lippincott, says, "It was felt that the Law, College and Wharton schools had lost prestige owing to the weakness of their faculties."

Inspiring information this, for loyal alumni, and small wonder that it encouraged a British rowing coach to talk in public before alumni as follows, "You, Mr. Vice-provost, as representing the faculty, have told us that the University has added from eight buildings in '76 to eighty now; that the students have grown from 1000 to 7000, but what has made your university? Why, athletics. Athletics are the biggest advertisement for any university, and athletics have made Pennsylvania. What has the faculty ever done for athletics? Nothing. . . . Get busy and alter it all. . . . Pressure on the faculty quick, and you can do it." And this is the tone of the *Alumni-Register-Mask-and-Wig*-athletic cabal, which represents, I am sure, but a small minority of our athletic alumni who have reason to be grateful that faculty intervention helped to rescue the Pennsylvania athlete from the disrepute of professionalism to which too exclusive alumni control had subjected him.

The May, 1915, number of the *Alumni Register*, just preceding the action of the trustees on Professor Nearing's reappointment, reveals the various ramifications of this conspiracy, if it was a conspiracy. Mr. Serrill writes a laudatory article on the board of trustees, and pointing to a display of interlocking directorships of corporations and to other qualifications, claims these serve to "demonstrate that the present membership of the Board is in keeping with its best traditions." The *Alumni Register* applauds enthusiastically and heartens up the trustees to their appointed task: "They have proved their capacity; they are ready to prove their courage, if need be." Mr. Gates, who alone signs the report of the subcommittee on the Wharton School, which led directly to Doctor Nearing's dismissal, refers to the "tendency on the part of a certain element in the teaching staff to seek publicity by discussions of various public topics in a manner which is likely to arouse class prejudice and fallacious conclusions based on a biased attitude of mind" . . . "a tendency to carry these impressions into the classroom" should be "controlled by the dean as head of the department," who, it should be said in passing, is an appointee of the provost and board of trustees.

Mr. Gates, for his committee, also recommends that "where such members of the teaching staff are not willing to subscribe to its policies, their services should be dispensed with." Editorially, the *Alumni Register* says: "We urge on the trustees a more receptive attitude toward these reports, the work of capable and loyal alumni. Either the functions granted to us are to be purely perfunctory or they are to be helpful, suggestive and real." In this number a paragraph makes its appearance in quotation marks, called editorially the "requirement of the alumni by the trustees," which requirement directs subcommittees of the alumni board of directors to attend from time to time "on the examinations and recitations and other exercises of the department for which such committees have been appointed," to confer with the professors and faculty thereof in all matters that may tend to improvement or be advisable for the correction of errors," and "annually or oftener, if they deem the same expedient, make report to the board of directors and their report, if approved, shall be forwarded to the Trustees."

In these words, without previous notification to or consultation with the faculty, the board of trustees commits the several departments of instruction to the educational supervision of a non-professional group of alumni. Whatever action the board of trustees may have taken, and we have as yet no word from the board as to what their supposed requirements portend, a member of the board, Mr. Joseph G. Rosengarten, discloses the affiliation between the board of trustees and the directors of the General Alumni Society in a letter to the *Alumni Register*. He speaks of the "very moderate recommendation of the alumni committee, of which Mr. Thomas S. Gates was chairman." Mr. Gates, he says, "holds an important and responsible position as the head of a great trust company, and his opinions as to the abuse of a place in the University faculty by men who spread false doctrines and arouse class prejudice and fallacious conclusions well represents the objections of the intelligent public to the utterances for which the University is made responsible."

The story of this campaign to undermine the control of the faculty over appointments and removals, and to empower a small group of alumni to make definitive recommendations contrary to the recommendations of the faculty, should have the sole

object of bringing out the whole truth, and nothing but the truth. In furtherance of this object, we alumni seek information on certain doubtful points:

1. When the board of directors of the General Alumni Society was organized under the chairmanship of a trustee, Mr. Samuel F. Houston, was the power to make by-laws committed to the board itself and not to the membership of the society?

2. In the exercise of this power, did the board produce a by-law or a supposed by-law, making seven members the legal quorum, which by-law was not to be found among the minutes of any previous meeting of the board?

3. Did Provost Smith write a letter to the board, presumably to its secretary, Mr. Isaac A. Pennypacker, recommending the appointment of a person other than Mr. H. M. Lippincott, which person he named as in his opinion a satisfactory candidate for the office of secretary?

4. Was this letter withheld from the official knowledge of the members of the board, and Mr. Lippincott elected secretary at a meeting immediately following Provost Smith's departure for Europe, and did this action and other actions of the board call from the provost a signed protest, published in *Old Penn* for October 12, 1912, under the caption "My Understanding," in which occurs this statement, "I did not understand that he (the secretary) was necessarily to be the editor of any publication that the alumni might see fit to send forth in the shape of a magazine or a weekly paper."

5. Despite the statement of the provost, "It was my understanding that the provost's committee would continue until he saw fit to discharge the committee," was the committee discharged by the board of directors of the General Alumni Society, and was "the Pennsylvania Alumni Fund," which was raised by an appeal "to place in the hands of Provost Smith the necessary funds," taken out of his control and put at the disposal of the board of directors?

6. Is "the alumni fund," of nearly \$70,000, now exhausted, and did the board of directors of the General Alumni Society appeal recently to the board of trustees for financial assistance?

7. Why has the board of directors of the General Alumni Society sought to gain control over the publicity bureau of the

University of Pennsylvania, and of the publication entitled *Old Penn?* And is it true that the provost alone has stood in the way of a successful issue to these endeavors?

8. How is the editorial board of the *Alumni Register* legally appointed? And from whom and at what dates did each member of its editorial staff receive his present commission?

9. Did this small group of alumni—small even in comparison to the small board of directors—find their power within themselves, or did they have the support and co-operation of certain members of the board of trustees?

Those who are competent to answer one or more of these questions, whether on behalf of the board of directors of the General Alumni Society, or on behalf of the trustees, have been named in the course of this statement. A frank and unequivocal answer to these questions is sought only for the purpose of establishing what may be the exact truth as to certain incidents in recent University history, in order that some of the alumni may decide whether we must organize a new association to oppose the continued misrepresentation of alumni sentiment by the very small but determined minority which controls the board of directors of the General Alumni Society and edits the "*Alumni Register*."

17. THE ALUMNI TRUSTEES.*

"It is reported that the secretary of the General Alumni Society is asking for nominations to fill a vacancy on the board of trustees of the University of Pennsylvania. The present method of securing the election of so-called 'alumni trustees' should befool none of the alumni whose intelligence has passed the stage of child-like innocence. The board of trustees has granted to the board of directors of the General Alumni Society the right to offer four names, from which one may be chosen by the board to fill the present vacancy.

"If, however, none of these four names is acceptable to the board of trustees, four other names may then be proposed by the general alumni board, and so on, until the vacancy is filled. The alumni, therefore, cannot secure the election to the board of trustees of an alumnus who is not acceptable to the board, but who may be acceptable to them. The trustees play with the alumni on the principle 'heads, I win; tails, you lose'; the appearance of doing something is expected to gratify the alumni, while preserving intact the self-perpetuating power of the board of trustees.

"The only way for the alumni to secure the election of a real 'alumni trustee' is for the alumni, or a large group of the alumni, to agree upon some one man and to insist upon the board of trustees accepting this nominee as the alumni trustee, or none at all. This nominee should be of such conspicuous distinction as to be able to win to his support the alumni of various departments.

"If four names are suggested, of which one shall be Mr. William A. Redding, a corporation lawyer, now president of the General Alumni Society, there can be little doubt that those who propose such names intend to give the board of trustees the opportunity to elect another corporation lawyer, who has already expressed himself on free speech and other matters, in such wise as to show that he is in entire sympathy with what appears to be the dominant element in the board of trustees and the board of directors of the General Alumni Society."

* From the the *Public Ledger* and *North American*, 9/4/15.

CHAPTER VIII.

Assets and Liabilities.

18. GLITTERING GENERALITIES.

(From the *New York American*, 7/19/15.)

The interview with George Wharton Pepper was obtained in his offices in the Land Title Building, Philadelphia. Mr. Pepper in addition to being a noted corporation lawyer, gained fame several years ago as attorney for Gifford Pinchot in the Pinchot-Ballinger controversy.

A direct request was made to Mr. Pepper for a reason for the dismissal of Dr. Nearing. He said:

"I will speak only for myself in this matter. Dr. Nearing's name came before the trustees at their last meeting in the regular manner. He had been endorsed by Dean McCrea for another term, and it is customary for the trustees to act favorably in such cases. Still it was in their power to turn down the application if they saw fit.

"A motion was made that Dr. Nearing be engaged for another term, but another member of the board raised the question whether he was not a greater liability than an asset. There was considerable discussion over the matter and it was ultimately decided that he was a liability that the University should not carry.

"There can be no question that there is a great field for Dr. Nearing as a teacher in the university, but it was decided that he could be of greater benefit to the community as a free lance."

This statement did not seem consistent, and Mr. Pepper was asked to be more specific as to the character of the charges made against the dismissed professor.

"I do not see how I can be more specific under the circumstances—the situation is a very delicate one," he answered.

"Then how was Dr. Nearing characterized by those who opposed him?" urged the interviewer.

"Well, he was, I believe, characterized by some one present as the 'Billy' Sunday of the university world," was the answer.

The lawyer himself laughed over this, but became serious again when the robbing for the real motive was renewed.

"Was there ever a charge against the private conduct of Dr. Nearing, or that he was irreligious?"

The response to this was genuine and prompt.

"No, quite to the contrary," said Mr. Pepper. "Dr. Nearing for all the trustees know of him, was a most exemplary young professor and I have heard from his associates that he was a deeply religious man. I do not, however, know what church he identified himself with, if any."

"Do the trustees contemplate any formal statement which will justify their position?"

"No; this brings to the front again the delicate position in which the trustees find themselves. Dr. Nearing has made no request for an explanation of his dismissal. His conduct since this controversy started has also been most admirable.

"Under these circumstances any statement which might reflect on Dr. Nearing would be unfair. The board would prefer to let the matter rest where it is, as there can be no question that they acted within their charter rights.

"It may be that this controversy will result in much good to the universities throughout the world. The question has been raised as to the dangers of permitting a university to be governed by a board of trustees to which the faculty have no voting voice. I, for one, will be glad to see this question threshed out in the open, as the welfare of our universities is at stake."

Mr. Pepper could not be induced to admit that politics played a strong part in determining the policy of the trustees in the Nearing case. It is pointed out, however, that there are facts which speak for themselves.

Politically there is a strong Republican organization element in the university board of trustees. John C. Bell, a member of the board, was Attorney General under Governor Tener. He was given the appointment in preference to Francis Shunk Brown, the incumbent, through the influence of James P. McNichol.

McNichol is closely identified with the traction and lighting interests of Philadelphia. He is known to have opposed Nearing, but pointed out the danger ahead of a public protest if he was dismissed.

This information was imparted to *The American* representative by one of McNichol's trusted lieutenants and reveals that the plan to remove the radical young professor was freely discussed for weeks before the final meeting of the university trustees.

19. THE GROWTH OF THE WHARTON SCHOOL.*

Mr. George Wharton Pepper is quoted in an interview in the New York *American* of July 19, as saying, concerning Doctor Nearing's dismissal by the board of trustees, "A motion was made that Doctor Nearing be engaged for another term, but another member of the board raised the question whether he was not a greater liability than an asset. There was considerable discussion over the matter, and it was ultimately decided that he was a liability that the University should not carry." Did the trustees consider all the facts, some of which tend to prove that Dr. Nearing, as a member of the Wharton School faculty, was not a liability, but an asset to the University of Pennsylvania?

For the financial year ending June 30, 1914, the trustees expended, in round numbers, \$96,000 on the salaries of professors and instructors in the Wharton School, and in addition paid the college department \$25,000 for the tuition of Wharton School students, and charged the Wharton School with \$23,000 for general University administration salaries and expenses.

These payments were made out of the income of the Wharton School, which included \$25,000 income from the Wharton School Fund, the endowment of Mr. Joseph Wharton, and \$136,000 from tuition fees. In the ten-year period ending June 30, 1914, the endowment fund contributed \$233,000 and tuition fees \$676,000 to the income of the Wharton School. Of this income, \$140,000 was paid to other departments for the instruction of Wharton School students, and \$103,000 to the University for general administration, salaries and expenses. The income of the Wharton School from tuition fees has increased from \$29,000 for the year ending August 31, 1905, to \$136,000 for the year ending June 30, 1914.

These figures seem to show that during this ten-year period the Wharton School made a very remarkable increase in income from its student body. Was this increase due primarily to the trustees, or to the faculty of the Wharton School? The trustees have contributed the baccalaureate degree under the seal of the

* From the *Public Ledger*, 8/12/15, and the *North American*, 8/15/15.

University of Pennsylvania, and perhaps the item of rent, although during this same period the Wharton School was charged with \$86,000 for maintenance, supplies and expenses. It is unreasonable to suppose that any considerable number of students came to the Wharton School because particular individuals were members of the board of trustees. On the other hand, it is reasonable to suppose that students did come to the Wharton School because they expected to obtain the kind of education given by the instructors advertised in its prospectus. As a matter of fact, the reputation and development of the Wharton School is due to its teaching body, and special departments, as, for example, the evening school, resulted solely from ventures for which Wharton School instructors assumed even financial responsibility, in very much the same manner as the college courses for teachers, the summer school and the graduate school all were initiated by members of the faculty, without the financial support of the trustees. The Wharton School instructors have not been a liability to the University of Pennsylvania, but an asset, as may be seen by the large amounts which have been paid to the college department and to general University expenses. Nevertheless, a particular instructor, for example, Doctor Nearing, may conceivably have been a liability.

But who is the better judge of whether he is a liability or an asset, the faculty of the Wharton School or the board of trustees? Who are the better judges, the *trustees* who made him an assistant professor in 1914, after many years of service as an instructor, or the *trustees* who voted not to reappoint him in 1915, despite the fact that he is admitted to be one of the best instructors in the institution?

It is asserted that the trustees are beginning to feel an increasing responsibility to the parents of the young men who are sent to the various departments of the University for instruction. The *Alumni Register* expressed this feeling when it said in November, 1914, "Trustees have a very sacred trust to administer when they accept the confidence of parents that they will select teachers who are capable and sound scholars." The development of the Wharton School, which I have briefly sketched, would seem to create a presumption that the faculty of the Wharton School is competent to judge what the parents of the young men attending

this school really desire for their sons. Have the trustees then unwisely set their opinion over against the opinion of the Wharton School Faculty, or are they, as they claim, the better judges of public opinion and of parental wishes?

The trustees of the University of Pennsylvania are all Philadelphians, and may be said to represent the ruling social, financial and political class in this city. I have looked for the representatives of what I may call in this sense the "first families of Philadelphia," among the students of the Wharton School. There are not more than 19 such students distributed among the four regular classes, 7 per cent of the senior class, 2 per cent of the junior class and 1.5 per cent of the sophomore and freshman classes respectively. As there are 2265 students registered in the various Wharton School courses, these 19 students represent 8-10 of 1 per cent of the Wharton School student body.

These facts have a critical significance in relation to one set of circumstances leading to Professor Nearing's dismissal. I have already shown some features of the campaign conducted by a fractional portion of this "first family" group in the board of directors of the General Alumni Society. This campaign was supported indirectly by complaints, often of calumnious character, originating among other representatives of this same social group. For instance, a Wharton School student recently signed the following statement: "——— has never (1) met or spoken to Scott Nearing in his life until today; (2) has been in his lectures but never in his quiz classes; (3) has never been asked any oral questions, nor has ever answered any oral questions of Scott Nearing until today."

This statement was secured by Professor Nearing because one or more members of the board of trustees had been informed by the student's father, a Philadelphia Judge, that Professor Nearing in quizzing his son had commented on the answer given to some question, "Well, that is the kind of ignorance I would expect to find in judicial circles."

It is claimed that after the signed statement proving the original report to be false had been brought to the attention of members of the board of trustees, the story was nevertheless repeated, excepting that it was brought forward then "to illustrate the kind of thing which Professor Nearing was saying." The

trustees naturally are responsive to the criticisms of students and parents of their own social set. When such criticisms are received by the provost or trustees, they should not be made matters of discussion by the board to the postponement of matters of greater importance, but should be referred to the dean of the department and ultimately to the professor himself. Only in this way can the true be separated from the false, and legitimate criticism be satisfactorily answered. Thus, another Philadelphia father wrote to the dean of the college objecting to his son having been put on probation, adding that he did not "see how a student could get interested in that subject anyway." As a matter of fact the student was interested in the subject and had a good mind, but did not do the work. Later on he voluntarily informed the professor in charge of the department that the real trouble with his work was due to the excessive rehearsals of the Mask and Wig.

This social group is not only thoroughly provincial, it is very small and closely interrelated in business and family life. A casual remark may thus travel far by underground communication, as, for example, one made last winter at a club dining table, which reached the provost before the person making it, although he went straight from the club to the provost's office on a matter of business. "A little bird" had brought him the information, so the provost said.

"The little bird" belongs, in some cases, to the species which feeds upon the reputation of those whom it has not the courage to assail openly. Because the board of trustees dismissed Doctor Nearing in secrecy, and has since then preserved its secret intact, it is now being whispered in clubs and private drawing rooms that serious, and even "unprintable" charges were the basis of Doctor Nearing's dismissal. If the provost of the University of Pennsylvania will only bear the same testimony in public which he bore in secrecy before the board of trustees, it will entirely set at rest such rumors. In the interview to which I referred at the beginning of this article, Mr. Pepper is quoted as denying that there was any private charge against Doctor Nearing, and it is to be expected that he will take the first opportunity to join with his fellow-trustees in relieving the provost of his obligation to maintain the silence which is at present the cause of gossip.

The question of how to lift the University of Pennsylvania above the reach of the local scandal-monger is a critical one. Another university professor has been recently assailed by the false report of gossip, a scholar whose qualifications for the honorary degree of LL.D., granted by the University of Pennsylvania, were publicly recited on commencement day, June 21, 1911, as follows: "Greatly esteemed for personal character and attainments by your many associates in our university—investigator of the history of social and industrial changes in England—author of important treatises upon these and kindred subjects—admired by a host of students whose scholarly careers attest your wisdom and worth as a teacher." A calumnious narrative owes its origin to the fact that he objected, among others, to holding the recent honorary banquet given by the faculty to the provost in the Manufacturers' Club, and also to the fact that he delivered an address before the club of Graduate Alumni entitled, "The Agitator in History," an address which embodied the deliberate opinions of a scientific historian, and which was delivered in the line of his duty as a professor at the university. Such addresses usually are published for the benefit of the alumni, but this address was suppressed, as rumor has it, after it had been submitted to the censoring opinion of members of the board of trustees.

The provost, trustees and alumni must seriously consider whether they will bear in silence the machinations and calumny of this small group of local alumni. Already they have made it impossible to call from any other institution an assistant professor to fill Doctor Nearing's vacant position. Can any scholar of repute come to the University of Pennsylvania without first asking his colleagues at this institution, "When a professor at the University of Pennsylvania opposes his opinions and utterances to the opinions and private interests of certain trustees and alumni, is he to be made an object of calumny, without official protest or other protection offered on the part of the provost and board of trustees, or of those who really represent the deliberate opinion of the organized alumni?"

The Pennsylvania Associated Alumni of Rochester and vicinity voices in no uncertain terms its objection to the recent action of the board of trustees. It is fitting that they and other alumni throughout the country, in Pennsylvania and in Philadel-

phia, should know the smallness of the group which is responsible in great measure both for Professor Nearing's dismissal and for the supporting campaign of calumny. To demonstrate this fact, I take the college department, because this department primarily determines alumni loyalty, and I can make comparisons between it and the college departments of other universities. Of the 431 students in regular course, candidates for the bachelor of arts degree, 47 are Philadelphians representing the ruling social group of Philadelphia. In Harvard College there are 23 students from Philadelphia, representing approximately the same group; at Yale 29, and at Princeton 65, a total of 117 out of 5317 students, of whom 164 represent the same group in the city of Philadelphia as do the trustees. Of these 164, there are 47, or 28 per cent, to be found in the college department of the University of Pennsylvania, while 72 per cent go to Harvard, Yale and Princeton. Moreover, in the college department of the University of Pennsylvania these students represent 18 per cent of the senior class, 19 per cent of the junior class, but only 7 per cent of the sophomore and freshman classes, respectively. The ruling social group of Philadelphia is therefore sending about a quarter of its sons to the College of the University of Pennsylvania, and this quarter is diminishing in proportion to the total student body even within the college. If we take the total registration at the University of Pennsylvania last year, we find that of 7152 students, 5101 came from Pennsylvania, including Philadelphia. The students who represent Philadelphia's ruling social and political families in the college, Wharton School, and Towne Scientific School, constitute 2 per cent of the student body from the State of Pennsylvania, and 1.4 per cent of the entire student body.

A Chinese student, who is said to be the son of a mandarin, and who is now connected with the Republican Government of his country, is quoted as having made the following reflection, "Pennsylvania has the opportunity of becoming the most democratic university in the East, but the opportunity is largely lost because of the influence of the so-called aristocratic society element, which infuses snobbery into college life." The aristocratic element of Philadelphia, which is loyal to the University of Pennsylvania, represents about one quarter, or generously not more than one-third, of the city's "ruling caste." The remaining two-thirds

is indifferent and in many cases even hostile to the welfare of the institution.

I believe that a majority of the trustees seek to administer the institution in the interests of its whole student body. Next year will be a critical one in the history of the University of Pennsylvania, for it will determine whether this institution is really to be conducted as a state and national institution of learning and teaching for the students who come from Pennsylvania and from other states and foreign countries, or whether it is to be conducted at the orders of and in the supposed interests of a small group of students and their parents, who are steadily diminishing in relative importance among the student body and the alumni.

CHAPTER IX.

The Invisible Government.

20. THE BOARD OF TRUSTEES.

(From the Treasurer's Report for the year ending June 30, 1914, pp. 47 *et seq.*)

Gifts to the University (exclusive of the Museum), total.....	\$662,613.81
From two trustees (Messrs. Rosengarten and Madeira).....	\$3,955.00
From the twenty-two other trustees.....	135.00
Total.....	4,090.00

THE TRUSTEES.

(Their business and political affiliations, as set forth in the *Alumni Register* for May, 1915, omitting all details of personal and professional activities.)

CHARLES CUSTIS HARRISON, LL.D. . . . He had first intended to study law, but was persuaded to enter the manufacturing business, in which he continued until 1892.

WHARTON BARKER, A.M., . . . became member of the banking firm of Barker Brothers and Co. In 1898 Mr. Barker was appointed special financial agent in U. S. of the Russian Government, and intrusted with the building of four cruisers for its navy. . . . In 1887 he obtained valuable railroad, telegraph and telephone concessions from China, which were withdrawn in 1888 through pressure upon Chinese Imperial Government by British Government. Founded Investment Co. of Phila. and The Finance Co. of Pa.

SAMUEL DICKSON (deceased May 28, 1915).

SAMUEL WHITAKER PENNYPACKER, LL.D., . . . judge Court of Common Pleas No. 2, Phila., 1889-96; presiding judge, 1896-1902; Governor of Pennsylvania, 1903-07; member Pa. State Railroad Commission, 1912; member Public Service Commission.

MORRIS JAMES LEWIS, M.D., Ph.D.

JOSEPH G. ROSENGARTEN, M.A. . . . was admitted to the bar in 1856, and . . . established himself in the legal profession in Philadelphia, where he has since practiced.

RANDAL MORGAN, A.M. . . . He was admitted to the bar in 1877, specializing in corporation law. In 1882 he was appointed general counsel for the United Gas Improvement Co., which position he still holds; and has been one of the vice-presidents of that company since 1892.

SAMUEL FREDERIC HOUSTON, Ph.B. . . . He is president of the Nelson Valve Co., vice-president of the Real Estate Trust Co. of Phila. and the Winifrede Coal Co. He is also director of the Third National Bank, Trust Co. of N. A., Susquehanna Railway Co., and Coastwise Transportation Co.

JOSEPH LEVERING JONES, LL.D. . . . ' He engaged for a time in mercantile pursuits. . . . In 1879 he formed a partnership with William A. Redding, now of the New York bar, and Hampton L. Carson, for the practice of law. Mr. Jones is a member of The Union League, on which he has been a director and its secretary for three years. . . . He is actively identified with street railways, and is a director of the Fort Wayne & Northern Indiana Traction Co., Real Estate Trust Co., and Alliance Insurance Co. . . . He also wrote "A History of the Republican Party," and was editor-in-chief of the "History of The Union League." He is a director of the Trust Co. of N. A., and Real Estate Trust Co. . . . Mr. Jones is a Republican in politics, and is actively interested in public affairs.

ROBERT GRIER LECONTE, M.D.

J. BERTRAM LIPPINCOTT, B.L. . . . He entered the publishing business in 1875, and is the president of the J. B. Lippincott Co. He is president of the Hibernia Mine Railroad, vice-president of the Wharton Steel Co., and director of the Farmers and Mechanics National Bank of Phila.

ARTHUR LATHAM CHURCH, B.S. . . . In March, 1886, Mr. Church became connected with the Baldwin Locomotive Works, in charge of the Extra Work Department, and is now associated with that company.

GEORGE HARRISON FRAZIER, A.B. . . . In 1887 Mr. Frazier entered the service of the Franklin Sugar Refining Co., becoming secretary in 1892 and treasurer in 1895. In the year 1896 he became associated with the banking house of Brown Brothers & Co., at the southeast corner of Fourth and Chestnut Streets, subsequently becoming a partner in that house. Mr. Frazier is a director of the American Sugar Refining Co., Philadelphia National Bank, Franklin National Bank, and Pa. Co. for Insurances on Lives and Granting Annuities. He is also a trustee of the U. S. Casualty Co. of N. Y.

CHARLES LOUIS BORIE, JR., . . . was a member of the firm of C. and H. Borie, bankers, from 1894 to 1902, at which time he joined Mr. C. C. Zant-zinger in the practice of architecture under the firm name of C. C. Zant-zinger and C. L. Borie, architects.

LOUIS CHILDS MADEIRA, . . . in 1877 became a member of the firm of Louis C. Madeira and Sons, insurance agents, of which firm he is now the senior member. He is also a member of the firm of Madeira, Hill & Co., miners and shippers of anthracite coal, and treasurer and a director of the Salts-burg Coal Mining Co., and of the Thomas Colliery Co.; member of the resident advisory board of the General Accident, Fire and Life Assurance Corporation of Perth, Scotland.

JOHN CADWALADER, LL.D., . . . president of the Baltimore and Philadelphia Steamboat Co., director of public schools, 1875-85; collector of

the port of Phila., 1885-89; jury commissioner U. S. Circuit Court; president University Club (1896-

EDWARD TOWNSEND STOTESBURY. . . . He has been connected with Drexel & Co., bankers, Phila., for many years, becoming a partner in 1882. He is now the head of Drexel, Morgan & Co., Phila., and member of J. P. Morgan & Co., N. Y.; president of the Buffalo Creek Extension Railroad Co., Buffalo Creek Railroad, Germantown Steam Heating Co., Keystone Watch Case Co., Metropolitan Opera House Co. (Phila.), Reading Railway and Overbrook Steam Heating Co.; director of Argo Mills, Baldwin Locomotive Works, Buffalo, Thousand Islands & Portland Railroad Co., Cambria Steel Co., Central Railroad Co. of New Jersey, Coxe Brothers & Co., Inc., Delaware, Susquehanna & Schuylkill Railroad Co., E. Howard Watch Co., Electric Securities Corporation, Fidelity Trust Co., Franklin National Bank (Phila.), Girard Trust Co., Highland Coal Co., Jefferson Fire Insurance Co., Jessup & Moore Paper Co., Keystone Publishing Co., Latrobe Steel and Coupler Co., Lehigh & Hudson River Railway Co., Lehigh & New York Railroad Co., Lehigh & Wilkes-Barre Coal Co., Lehigh Valley Coal Co., Lehigh Valley Railroad Co., Lehigh Valley Railroad Co. of N. J., Lehigh Valley Railway Co., Metropolitan Opera Co., Morris Canal and Banking Co., National Storage Co., National Umbrella Frame Co., New York & Middle Coal Field Railroad and Coal Co., New York Short Line Railroad Co., New York Standard Watch Co., Niagara Falls Power Co., Penn Traffic Co., Pa. Fire Insurance Co., Pa. Steel Co., Phila. & Reading Coal and Iron Co., Phila. National Bank, Phila. Trust, Safe Deposit and Insurance Co., Phila. Watch Case Co., Phoenix Iron Co., Pulaski Iron and Improvement Co., Red Jacket Consolidated Coal and Coke Co., Riverside Metal Co., Schuylkill & Lehigh Valley Railroad Co., Temple Iron Co., Transportation Mutual Insurance Co., Union Transfer Co., United States Watch Co., William Cramp & Sons Ship and Engine Building Co., Wyoming Valley Coal Co., trustee Penn Mutual Life Insurance Co.; vice-president National Horse Show Assn. of America, Ltd. Mr. Stotesbury assisted in financing the International Chinese loan, 1909; assumed indebtedness of Phila. Grand Opera Co. and formed syndicate to buy out the Hammerstein interest in the same. He was the treasurer of the Republican national campaign fund during the campaigns of Roosevelt, 1904, and Taft, 1908. He is a member of the Philadelphia Stock Exchange. Mr. Stotesbury was for two terms the president of the Union League Club of Philadelphia.

EFFINGHAM BUCKLEY MORRIS . . . was admitted to the bar in 1878. He has been president of the Girard Trust Co. since 1887; director of the Pa. Railroad Co. and of its affiliated lines; chairman of the Cambria Steel Co., Pennsylvania Steel Co.; director of various other corporations; trustee of the estate of Anthony J. Drexel, deceased.

GEORGE WHARTON PEPPER, LL.D., . . . was Algernon Sidney Biddle professor of law, University of Pennsylvania, 1893-1910; is in practice at Philadelphia. Mr. Pepper has been special assistant attorney-general of the United States . . . office at 1438 Land Title Building.

SAMUEL GIBSON DIXON, M.D. . . . In 1898 he was appointed a member of the Board of Education of Phila. . . . In 1905 he was appointed Commissioner of Health of the State of Pa., which office he still holds.

MORRIS LEWIS CLOTHIER, LL.D., . . . entered the employ of Strawbridge and Clothier, June 30, 1890, was admitted to partnership 1895, and has been senior and managing partner since February 1, 1903. He is a director of the Girard National Bank, Franklin National Bank, Commercial Trust Co., United Gas Improvement Co., Seaboard Steel Casting Co., Penn Mutual Life Insurance Co., etc. Member Pa. Commission to St. Louis Exposition, 1904; Republican presidential elector-at-large for Penna., 1908.

JOHN CROMWELL BELL, LL.D. . . . Admitted to the bar in 1884, he was appointed by the judges district attorney of Phila., April, 1903, and was elected to the same office on the Republican ticket, November, 1903, serving to January, 1906 (declined renomination); Governor Tener appointed Mr. Bell attorney-general of Penna., 1911-15.

JAMES WILLIAM WHITE, M.D., LL.D., . . . advisory surgeon of the Pa. Railroad Co., commissioner of Fairmount Park.

RICHARD ALEXANDER FULLERTON PENROSE, JR., Ph.D. . . . He is a member of the board of managers of the Phila., Germantown & Norristown Railway Co.; director Ridge Ave. Passenger Railway Co. of Phila.

21. ATTENDING CIRCUMSTANCES.*

There are circumstances attending and preceding Professor Nearing's removal, which invite speculation as to whether public service corporations and politics inspired the trustees' action last June. Obvious features of this action—surprise, secrecy, and silence—have given occasion to perhaps groundless suspicion. The following statement of facts may serve for the guidance of those who will be called upon to investigate the still hidden motives of this action.

Mr. Joseph Wharton's deed of gift, dated the 22d of June, 1881, is a remarkable document. For clearness of expression, soundness of judgment, and idealism in the field of education, it deserves to rank among the three most important educational documents in the history of the University of Pennsylvania, the other two being Franklin's "Proposals Relating to the Education of Youth," and Dr. William Smith's "College of Mirania," which made him our first provost.

Mr. Wharton's deed of gift was read to the assembled trustees on June 14, 1915, before they proceeded to vote upon the question of Professor Nearing's reappointment. The significance of this action, taken at the request of a member of the board, may be surmised from this clause:

The grantees covenant that these things shall be done, and that the failure to comply with these stipulations shall be deemed such a default as to cause reversion in the manner hereinafter provided.

Among "the things" which the trustees of the University of Pennsylvania covenanted should be done, are the following:

The general tendency of instruction shall inculcate:

The immorality and practical inexpediency of seeking to acquire wealth by winning it from another rather than by earning it through some sort of service to one's fellowmen.

* From the *Public Ledger* and the *North American*, 9/12/15.

The deep comfort and healthfulness of pecuniary independence, whether the scale of affairs be small or great.

The necessity of rigorously punishing by legal penalties and by social exclusion those persons who commit frauds, betray trusts or steal public funds, directly or indirectly. The fatal consequences to a community of any weak toleration of such offenses must be most distinctly pointed out and enforced.

Inasmuch as Professor Nearing's economic doctrine is quite in accord with the general and specific provisions of Mr. Wharton's foundation, the question naturally arises—the same question, indeed, virtually put to the Board of trustees by the reading of this document—Is the Board prepared to lose Mr. Wharton's fund?" At the present time it amounts to somewhat over \$600,000, but the income from it is small in comparison with the income from tuition fees. Moreover, the activities of certain instructors in the Wharton School—activities in the line of their duty under Mr. Wharton's deed of gift—have cost public utility corporations, according to reliable testimony, a sum larger than this fund. It would therefore have been profitable to these corporations to have returned Mr. Wharton's endowment to his estate, making up the amount to the University, provided they could then have suppressed the public utterances and activities of those whom some are pleased to call their "employees" at the University. At the present time the trustees of the University could return the fund to Mr. Wharton's heirs, curtailing the Wharton School staff on the ground of "retrenchment," or taking an equivalent sum from the state appropriation. I do not venture to guess the intention of the Board of Trustees. As an alumnus I express the belief that the alumni and the public have the right to a clear statement of the meaning of Professor Nearing's removal, in relation to the issue which is now raised.

Former and present professors in the Wharton School,—Thompson, McMaster, James, Cheyney, Patten, Lindsay, Devine, Rowe, and among the younger men, Nearing, King, Conway and Pierson, have written, spoken, and taught in accordance with the liberal and statesmanlike intentions of the founder. The social and political sciences must investigate economic conditions, and

to publish the results of such investigation is to contribute to the social welfare. The Wharton School has consequently achieved a high reputation among academic institutions in this country, and at the same time members of the faculty have come into danger of personal attack at the hands of privileged interests.

As early as February 11, 1886, Dr. Edmund J. James, then professor of political science in the Wharton School, prepared a paper on the "Relations of the Modern Municipality to the Gas Supply," from which I quote the following paragraph:

"Let us put it in another way: Are you in favor of paying double prices for gas? Then vote to let a private company get the monopoly of the business. Are you in favor to agree not to take any advantage of any new discoveries in the system of artificial lighting for the next twenty years? Then vote to sell the gas works to a private company. Are you in favor of erecting a company within the city whose interest it will be to join hand in hand with every form of monopoly which now curses us? Then vote to start a private gas company. Are you in favor of diminishing the interest which the citizens now feel in the administration by taking away the most important functions? Then hand over to a private company the business of looking after the gas supply."

This appeal of Dr. James proved so effective that when a syndicate was formed later on to lease the Philadelphia Water Works, it is said that Dr. James was offered twenty thousand dollars, on what he considered reliable authority, if he would say nothing against the proposed water works lease. Professor James' educational vision and administrative ability, shown particularly in the organization of the American Academy of Political and Social Science, and the American Society for the Extension of University Teaching, led to his being prominently mentioned as a candidate for the provostship, ultimately to his leaving the University for other fields of academic work, within which he is still active as President of the University of the State of Illinois, securing from the last legislature an appropriation of \$5,000,000.

The example of Professor James in boldly carrying out the purposes of Mr. Joseph Wharton's deed of gift, was followed by

Professor Leo S. Rowe. In the May, 1898, number of the *Annals* of the American Academy of Political and Social Science, he published a paper on "The Municipality and the Gas Supply as Illustrated by the Experience of Philadelphia." This paper was evoked by "the recent decision of the mayor and councils of Philadelphia to lease the gas works to a private company," which, according to Dr. Rowe, marked a change of policy of more than local importance.

In 1907 the National Civic Federation prepared an elaborate report of which Part 2, Vol. I, entitled "Reports of Experts for the United States," contains 1230 pages dealing with questions of municipal *versus* private operation of public utilities. There are two reports on the relation of Philadelphia to the gas supply, one a brief report prepared by Mr. Walton Clark, vice-president of the United Gas Improvement Company, and the other a report of 77 pages by Professor Rowe, who was asked to contribute this report, "owing to the importance which has been attached previously to the experience of the Philadelphia Gas Works under Municipal and company management." It is claimed that the United Gas Improvement Company made a determined effort to have certain statements—admittedly true, but yet objectionable to the company—removed from Dr. Rowe's report, and Professor E. W. Bemis has written over his own signature as follows:

"The statement, prepared for the National Civic Federation Investigation of Municipal Ownership, was very displeasing to Mr. Clark, who tried very hard to have it changed or rejected. Failing in this endeavor, he, Clark, became much excited, and declared to me that if Professor Rowe did not change or withdraw the account he would lose all social and scientific standing in Philadelphia, and at the University of Pennsylvania. Mr. Clark added that he was positive of this, because he was in close touch with both the City and the University."

No one should fail to read two lectures given at various eastern universities during the early part of 1915 by Philadelphia's Director of Public Works, Mr. Morris L. Cooke, privately printed under the caption, "Snapping Cords," from which I quote the following:

"When a man becomes successful on the cities' side, the utility corporations lose no time in attempting to ruin his reputation. Of this kind of treatment, Prof. Edward W. Bemis, whom Mayor Tom L. Johnson of Cleveland described 'as an expert on the valuation of public service corporations and the only expert on the people's side,' is a good example. Fortunately for Mr. Bemis he is not only a man of exceptional ability and continuity of purpose but he has worked on the principle that he could not be an expert on both sides of the questions fundamental to the utility problem. Time and time again since I have been in office men high in the utility field have told me tales about this splendid man in an effort to discredit him. He is cordially hated by the big men in the utility industries principally because he is a resourceful and competent witness in rate cases and knows how to meet the experts put forward by the private companies as perhaps can no other man. Sometime since I was told by the president of a very large gas company that Professor Bemis was corrupt and that Mayor Hanna of Des Moines would confirm the statement. I wrote to Mayor Hanna and he replied that 'our experience with Mr. Bemis was most highly satisfactory; he is a man of remarkable information in his special line and of remarkable resourceful ability. As a witness in our gas contest he was of inestimable value.' Some years ago the gas companies of the country hoped to make of the Des Moines case one that would be a classic in their long continued fight to prevent the regulation of prices, but the decisions in the case have been consistently such as to prevent realizing on this hope. This is doubtless one of the reasons why Mr. Bemis is so cordially disliked by the gas group.

"The General Counsel of the American Telegraph and Telephone Company recently gave me the same kind of information about Mr. Bemis. Mr. Guernsey and Mr. Bemis I think were on opposite sides of a telephone case in Baltimore several years ago. It invariably happens that when one knows how to successfully oppose the private interests he is subject to the most bitter attacks."

If Professor Rowe was cognizant of Mr. Clark's alleged threat, it did not modify his public utterances, for he devotes a chapter in his book on "City Government" (1908) to the relation of Philadelphia to the Gas Supply, in which among other statements he says:

"When in September, 1897, the mayor transmitted to councils the offer of the United Gas Improvement Company, it soon became evident from the disposition of councils to stifle discussion and hasten action, that the plans for the leasing of the works had been carefully laid. . . . the permanent interests of the city were lost sight of. The gas works were handed over to the company whose proposals alone received serious consideration from councils, notwithstanding the fact that other and more favorable offers had been made by responsible parties. In granting an exclusive privilege to this corporation the most elementary business principles were disregarded. . . . Had the terms of the lease been formulated with reference to the possibilities of profit to a company enjoying a monopoly of the gas supply, the results would have been very different. There was evidence on all sides that the population was gradually awakening to this fact; but so rapidly was the lease hurried through councils that no opportunity was given to make such awakening effective.

"Furthermore, in parting with the gas works the city deprived itself of the power of performing an important social service. Until recently financial considerations have ruled supreme in determining the sphere of municipal activity beyond the minimum of protection to life and property. We are beginning to see that social standards should be given some weight in municipal policy. . . .

"The municipality for this reason represents a far more positive force in the life of the British city than in the United States. That American municipalities must in time perform the same functions is evident to anyone who has followed the course of municipal development in this country. To relinquish public works means

simply to postpone the period when such service is to be performed. . . .

"With every diminution of city functions we increase the influence of irresponsible corporate bodies. The real problem before us is to eliminate such corporate influence. . . . To those who have studied the growth of our large cities, the introduction of a new and powerful corporation into the public life of the community means another obstacle to civic advantage. As regards Philadelphia, the danger has been increased by the fact that the monopoly of the street-railway and the gas and electric-light services is vested in the same combination of individuals.

"In England and Scotland some 270 and in Germany over 335 municipalities own and operate their gas works, with an efficiency which private corporations would find difficult to equal and certainly could not surpass."

It is asserted by those who are in a position to know, that Professor Rowe's department has not been able to secure from the Board of Trustees adequate financial support to maintain and develop this department.

In the summer of 1912, at the request of Director Cooke and upon the urgent advice of Dr. Rowe, Dr. Clyde L. King aided the Department of Public Works of the city of Philadelphia in an investigation of the lighting service of the city, through which he rendered a conspicuous service to the city that will cost the United Gas Improvement Company several hundred thousand dollars, a larger sum than any one connected with this company on the Board of Trustees has ever given for any purpose to the University of Pennsylvania.

Dr. Thomas Conway, Jr., at the time an assistant professor in the Wharton School, published an article entitled, "Decreasing Returns on Urban Street Railways," which was included in the Electric Transportation number of the *Annals of the American Academy of Political and Social Science*, appearing in January, 1911. In this article Dr. Conway presented the results of an investigation which showed that owing to bad financial and operating management the financial returns from city electric railways had steadily decreased. He pointed out the danger

which was imminent to stockholders and the riding public, and outlined the steps which must be taken to avoid disaster. When Dr. Conway was first unanimously recommended by the Wharton School faculty for promotion to a full professorship, several months later, it is reported that his nomination was held up in the Academic Council because complaint was offered from a certain source close to the University, charging that Dr. Conway had written an article for the *Annals* which was grossly unscientific and inaccurate, and which had done a great deal of harm.

Dr. Young, who was then director of the Wharton School, caused a collection to be made of opinions of the leading engineering and traffic experts upon the matter in controversy. Without exception they supported Dr. Conway's conclusion, and they were then presented to the Provost, who stated at the next meeting of the Academic Council that the criticism of Dr. Conway's work had been unwarranted, and that the article in question appeared to be a scholarly piece of work. In May, 1911, the Academic Council unanimously recommended Dr. Conway to the Provost and Board of Trustees for a full professorship. This recommendation was repeated in 1912 and 1913, but it was not until 1914 that Dr. Conway received his promotion. Following the first recommendation for a professorship, a committee appointed by the American Street and Interurban Electric Railway Association, a body composed of the electric street railway officials of the entire country, which had worked steadily upon the same problem covered in Dr. Conway's article, made a report in October, 1911, in which his findings were supported in their entirety, and his proposed remedies reiterated in almost identical terms. This report was officially called to the attention of the Provost, with the request that he place it in the hands of the trustees who had previously objected to Dr. Conway's promotion. These trustees are said to have been engaged at the time in trying to sell a street railway at an inflated valuation to the "New Haven" and to have been occupied in a somewhat similar undertaking in connection with electric railway properties in Indiana. Is it reasonable to expect men who are deriving personal profit from watering stock, to act judicially in interpreting any rule limiting the freedom of speech of assistant professors and instructors, when some instructors are pointing out through their investigations the evil effect

of watered stock upon the economic and social welfare of the community?

Another case in point is that of Dr. Ward W. Pierson. Before his promotion to a professorship, Dr. Pierson engaged in public work which resulted in the creation of the city's Department of Wharves, Docks, and Ferries. He collected facts in Europe for use in the suit of the Cosmopolitan Steamship Company against the railroads and steamship companies composing the shipping trust, and finally was employed as counsel in a case against the coal transportation companies before the Public Service Commission, in which he disclosed the actual cost of mining and transporting coal in the effort to show that transportation charges constitute an excessive element in the cost of coal to the consumer. There are trustees interested in coal and transportation companies, and again we hear at the University of Pennsylvania that the public activities of an instructor have destroyed his usefulness to the institution. Some one, we are told, an unnamed coal operator, was about to give a large sum of money to the University; because of Dr. Pierson's activities, he declines to make the contribution. Judging by the recorded private gifts to the institution in the last few years, it is doubtful whether this promised money is "real" money. It looks like a gilded apple dangled before the eyes of the professor to make him pull well in the harness of corporate interests. However this may be, when Dr. Pierson was unanimously recommended to the Academic Council in April, 1911, for promotion to a full professorship, Dr. Pierson was charged with a grave offense, which charge was taken up by Dr. Young, director of the Wharton School, and other members of the faculty, and proved to be entirely without foundation in fact. On report of this finding, the Academic Council unanimously recommended Dr. Pierson to the Provost and Board of Trustees for a professorship, but this recommendation, like Dr. Conway's, was not acted upon favorably until June, 1914.

Dr. Scott Nearing was actively connected with the movement for improving child labor legislation in Pennsylvania in 1905 and 1906, before he became an instructor in the Wharton School. Shortly after his appointment to an instructorship he resigned as secretary of the Pennsylvania Child Labor Committee, where

he had been active in reporting violations of the law in establishments of prominent manufacturers, coming in conflict with them and with the Chief Factory Inspector over the enforcement of the child labor provisions of the factory law, the sharpness of the issue attracting a great deal of public attention. Under Mr. Joseph Wharton's deed of gift, Dr. Nearing might have interpreted it to be his duty to remain officially connected with the child labor propaganda in this state. Nevertheless, he has not been officially connected with the movement since 1907, although he has publicly expressed his views on the subject. It is reported that he was told in 1910 by one authorized to represent the University: "You are trying to wipe out child labor and poverty. These things always have been and always will be. Take up some work that will let you get somewhere. Besides, such talk hurts the University." In 1911 Dr. Nearing accepted an invitation to speak at the Spring Garden Unitarian Church on April 9th, on "Social Religion." After the cards announcing the meeting had been printed, Professor Patten and the director of the Wharton School both advised that the meeting be called off, and at their suggestion Dr. Nearing agreed to do no public talking for one year, and claims to have kept the agreement. At this time he was told by one in authority that so long as he continued to talk and write on touchy live issues, he must expect neither promotion nor increase of salary. On May 27, 1912, the director of the Wharton School informed Dr. Nearing that the Wharton School budget was being held up, because certain instructors in the Wharton School were too radical. On June 7, 1912, two professors were told by the Provost that he was greatly harassed by those who objected to progressivism in the Wharton School, and he would be much relieved if certain members of the Wharton School faculty would go somewhere else.

Dean William Draper Lewis's advocacy of the recall of judicial decisions and his connection with the candidacy of Theodore Roosevelt for president, stimulated those who believe that the University should stand for "things as they are," to more determined efforts to suppress the free expression of thought and the public activities of members of the faculty. During this spring the state legislature met, and voted the University of Pennsylvania a large appropriation. On July 31, 1913, six days after the Univer-

sity appropriation bill was signed by the Governor, official notices were sent to instructors in the Wharton School pointedly calling attention to the fact that their appointments were for one year only, and would expire unless renewed. These notices were not sent to assistant professors or instructors in the College faculty. The Wharton School faculty accepted them as an expression on the part of the Board of Trustees of their intention to rid the University of Dr. King, Dr. Nearing, and perhaps others at the end of the academic year, 1913-14.

On November 23, 1913, Dr. Nearing spoke in the Methodist Church at Morrisville, Pa., on invitation of the Rev. Chris G. Koppel. The next day the *Daily Courier* of Bristol, Pa., which is said to be the supporter of a local manufacturer, published as an editorial an open letter to the Rev. Mr. Koppel, containing among other statements the following:

"Believing you to be a conscientious young man and desirous of furthering the cause of Jesus Christ, which is the cause of man and not of any one class of men, we are prompted to address this open letter to you in reference to the *quasi*-religious service which was held in your church last evening. A feature of this service was an address on child labor by Dr. Scott Nearing of the University of Pennsylvania. We are informed that Dr. Nearing does not believe in a personal God; that the only deity he accepts is humanity. He cannot, therefore, believe in the divinity of Christ, and from your point of view and ours he is an atheist. We ask you whether you knew this to be the fact when you got down on your knees in the pulpit and asked God's blessing on the message this good young man was to bring to your flock at your invitation. . . . The bias and mendacity of Dr. Nearing are so notorious and chronic that we should pass them unnoticed were it not for the fact that you have given them your personal endorsement. Dr. Nearing is at war with the entire order of civilization. . . . Dr. Nearing knows that the child labor workers permitted themselves to be brow-beaten by political interests with which they were affiliated, into rejecting a bill reducing hours, . . . Dr. Nearing and his friends defeated that

bill and they did it because their political allies told them they would have to have something left over for a campaign argument. . . . We beg you not to debase your real talents or to embarrass the good people of your congregation by cultivating the methods of the clerical mountebank who values a little fleeting publicity more than the approval of the God of us all, manufacturer or child laborer, politician or social worker."

Dr. Nearing then wrote to Mr. William C. Watson, the proprietor of the *Daily Courier*, and received from him under date of December 5, 1913, a letter in which he says:

"I wish you to know that I was favorably impressed with the tone of your letter, and I am almost emboldened to hope that you really are sincere and not merely an agitator for agitation's sake. If I am correct in this opinion, it lies within my power to bring you into closer touch with some industrial facts than you have been in the past. . . . The prosperity of this borough depends upon the free and unhampered operation of its industries. . . . You have seen fit in your various excursions to single out a man with whom I am more or less closely in touch as a type of what you are pleased to call industrial iniquity. I refer, of course, to Mr. Joseph R. Grundy."

As Mr. Watson invited Dr. Nearing to meet Mr. Grundy, Dr. Nearing accepted this invitation in a letter of December 9th, in which he says:

"I very much appreciate your interest in the issues which are involved in the present social legislation campaign. First, to my knowledge I have never mentioned Mr. Grundy's name in a public address. Secondly, although I have never been through Mr. Grundy's mill, I have been in Bristol several times and have watched his employees enter and leave the mill. Judging from hearsay, I think I am correct in my estimate that Mr. Grundy is not only obeying the letter of the law, but he is in addition going out of his way to provide good working conditions for his employees.

"The issue which I am raising is, of course, a wholly different one. Pennsylvania is a rich and very prosperous state. In my estimation her future prosperity depends primarily, in fact almost solely, upon the character of her future citizens. I therefore raise the question of the desirability of employing young children in industries today. What will be the effect of this employment on the industries of tomorrow? If we are to take a statesman-like view of these matters, we must look to the future as well as to the present. In fact, I think we must look to the future more than to the present, because it is so much larger than the present.

"No one is more interested in the prosperity of Pennsylvania than I am. My definition of prosperity, however, includes the welfare of all the people of Pennsylvania, and not the welfare of a selected few. . . .

"Personal blame does not attach for the present situation. No individual is responsible. Yet as a society we are collectively responsible if we fail to use the means at hand to readjust living and working conditions, not the best interests of the men and women who are living and working, but who will live and work in Pennsylvania."

In his reply of December 11th, Mr. Watson says:

"Your reference to Mr. Grundy and his mill was particularly gratifying to me. I am glad to hear you say that you have not criticized him personally, but I think you will agree that in the newspaper reports of your speeches you have been made to appear as singling out Grundyism as something very horrible, and of course if the *ism* is bad, the natural inference is that the man himself must be bad also."

As a result of this correspondence Dr. Nearing met Mr. Grundy and Mr. J. P. Wood at a meeting at which the general situation was talked over.

The correspondence which I have just quoted appears to cast no discredit upon any of the parties concerned, least of all

upon Dr. Nearing. Nevertheless, Dean McCrea of the Wharton School, on request of the Provost, asked Dr. Nearing to cease his child labor talks, and Mr. Nathan T. Folwell, President of the Manufacturers' Club, made an open attack upon Dr. Nearing in a Philadelphia newspaper. Rumors spread abroad that the price of the University's appropriation from the state legislature was Dr. Nearing's dismissal. These rumors led to a public campaign in which certain Philadelphia newspapers, members of the faculty, students and alumni joined in supporting Dr. Nearing, Dr. King, and other members of the University faculty who seemed to be threatened by the Board of Trustees. The result of this campaign was the promotion in June, 1914, of Dr. Conway and Dr. Pierson to be professors, and of Dr. King and Dr. Nearing to be assistant professors. But with the University's notification of the appointment of Drs. King and Nearing to assistant professorships, went a copy of the by-law warning them that their appointment terminated at the end of the academic year 1914-15 without further notice. Copies of this statement were not sent in 1914 to assistant professors in the College department. The peculiar significance of sending a copy of this by-law to Wharton School assistant professors was emphasized when the *Alumni Register* in its October number congratulated the University upon having displayed its adherence to academic freedom in making these appointments, but at the same time asserted editorially that officers of instruction at the University of Pennsylvania are employees of the Trustees, and when an employee finds that he cannot perform his prescribed functions to the satisfaction of his employer, if he is a gentleman he will resign.

In March, 1915, a difference of opinion with respect to Professor Nearing's reappointment disclosed itself in the Trustees' Committee on Wharton School, composed of Mr. Louis C. Madeira, chairman, Mr. Wharton Barker, Mr. J. Bertram Lippincott, and Mr. George Wharton Pepper. * Because of the opposition of Mr. Madeira and Mr. Pepper to Professor Nearing's reappointment, which opposition precipitated the discussion and negative vote at the board meeting in June, Mr. Wharton Barker wrote a letter to Provost Smith under date of April 5, 1915, first made public following Mr. Bell's publication of his reason for voting against Dr. Nearing. As this letter conveniently summarizes the various

grounds of objection then offered to Dr. Nearing's reappointment, it should be given careful consideration:

"The letters, four, I think, you placed before the Board of Trustees of the University of Pennsylvania, appear to be charges of economic heterodoxy rather than of ecclesiastical heterodoxy. I attach to this letter a slip that covers an open letter, addressed by Scott Nearing, who is attacked by the writers of the letters referred to, which breathes from end to end the spirit of Him who preached the Sermon on the Mount, which letter I want you to read.

"If the action George Wharton Pepper and J. Levering Jones would have the trustees of the University take should be taken—action I cannot believe possible—Jews, Unitarians and other dissenters would be driven from the University of Pennsylvania; students and professors, associate professors and instructors would be driven.

"Is it possible that such men as Joseph Leidy, Thomas H. Huxley, John Tyndall, William H. Furness, Horace Howard Furness, Henry C. Lea and hosts of other men as earnest but not as well known should have a ban put upon them by the University of Pennsylvania?

"I hope the action taken by the board of trustees about a year since, when the statement of Effingham B. Morris as to the position of the University of Pennsylvania trustees for free speech and religious liberty may stand without modification as the declared position of the University of Pennsylvania.

"Thomas H. Huxley, upon his installation as rector of Aberdeen University in 1874 said: 'Universities should be places in which thought is free from all fetters and in which all sources of knowledge and all aids to learning should be accessible to all comers, without distinction of creed or country, riches or poverty.'

"Can any one who believes in free speech and religious liberty take other position than that taken by Huxley?

"The attacks upon Nearing are made, not because of his views upon religion, but because he attacks the aggressions of associated capital; attacks made because associated capital knows that its aggression upon economic rights of the people is nefarious and cannot stand against adequate presentation of the demands of the people and of the aggressions of associated capital.

"I think no one in the United States has, during a period of thirty years, given more study to these vital questions than I have given, and I do not believe any one would venture to charge my statements as vindictive or unsupported by facts, because my statements rest upon facts and not upon assumptions.

"I write you this letter for obvious reasons."

The Provost of the University of Pennsylvania is an appointee of the board of trustees. So long as he remains Provost, he must carry out the orders of the board. The abrupt letter of dismissal dated June 15, 1915, was sent to Professor Nearing from the Provost's office, by order of the board of trustees. The Provost has since maintained absolute silence with respect to his own and the board's action. Nevertheless, rumor has connected him with Dr. Nearing's dismissal, and it is said on the authority of a trustee that Professor Nearing was not reappointed by the board because the Provost did not want him reappointed. Whatever the Provost's personal opinion may have been, there does not appear to be any evidence for the belief that he used the power of his office to further Professor Nearing's removal.

At the meeting of the New York Alumni, held February 10, 1912, the Provost is quoted as having said in part, "Tonight you will not expect me to occupy much of your time, for our Trustees are your real guests, and you desire to hear from them. . . . The administration of the University is aiming to bring about unanimity of thought and action in our faculties."

The "*administration*," as the Provost understands it, is the board of trustees. The Provost has openly declared that he has "*no*" policy. He places the responsibility of action on those who assert the right and have the power to act. He is the very opposite of the autocrat, and would appear to carry to the utmost limit the principles of democratic government. For this and other

reasons, I disregard the rumors which associate the Provost with the dominant faction of the Republican party in this state. He is indeed a Republican in politics. He stood for election as a Taft delegate to the last presidential convention. He has spoken with kindliness of a contractor politician, but he speaks with kindliness of all. Because the trustees have failed to make good the promise given at the time of his election as provost, that he should not be required to find the money to run the institution, it has been necessary for him to treat with the political leaders in the state legislature. He has frankly expressed his opinions on political and other questions. He should be granted the same freedom to express his personal views and to act, which every member of the faculty would claim for himself. Moreover, I do not believe that political leaders or so-called "bosses" are mainly responsible for the evils of the "invisible government" in the city of Philadelphia and the state of Pennsylvania. The chief offenders are the great corporations, which have acquired a private monopoly in the field of public utilities. The offense of many political leaders is of the nature of treason, because they pretend to be servants of the public, whereas in fact they serve their masters, the private interests. Is the University of Pennsylvania in danger of being brought under the same mastership?

I hope that all the trustees are statesmen of rare unselfishness, at least in the field of education, for nearly two-thirds of the board are fair representatives of the allied business and political interests whose influence on civil government even Mr. Root has come to deplore.

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